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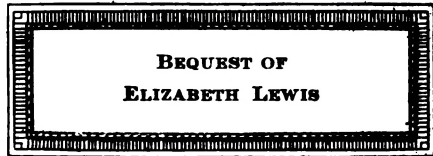
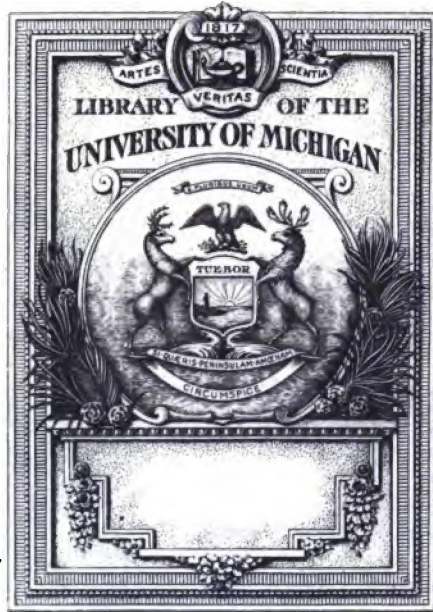
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RECORDS OF THE CAPE COLONY.

Cape of Good Hope

RECORDS

OF THE

CAPE COLONY

From MAY 1823 to JANUARY 1824.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
RECORD OFFICE, LONDON,

BY

GEORGE M^cCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.



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Eliza Harris Baginest
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RECORDS OF THE CAPE COLONY.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 2nd May 1823.

SIR,—In reply to your Letter of the 19th Ultimo relative to the grant of Land requested by D. P. Francis near the Assagaai bush, I am directed by His Excellency the Governor to acquaint you that until the Locations become grantable, His Excellency does not mean to make any additional grants. Mr. Francis however appears to have no claim whatever. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from MR. WILLIAM PARKER to ROBERT WILMOT, ESQRE.

10 ADAM STREET, ADELPHI, 5th May 1823.

SIR,—The repugnance to my being honoured by an interview with my Lord Bathurst, which has been so manifest, does not surprize me, as Lord Charles Somerset fully informed me, that every means was adopted by Sir Rufane Donkin and Lt. Colonel Bird to prejudice the Noble Secretary of State against me. His Excellency stated that he had seen the letters which were transmitted to the Colonial Department from the Cape, and which I understood were as malignant and as false, as those sent under anonymous signatures to the Earl Bathurst, and the Duke of Beaufort, in reprobation of Lord Charles Somerset's government, and of which, I was well aware before I proceeded to the Cape. But I told His Excellency, who attributed this base and

malignant aspersion of his character to other motives, that it was the machination of Jesuitism in his Government, working deep, as Popery would never be *visibly* ascendant at the Cape, as it was, when Sir Rufane Donkin governed, as long as a Nobleman of his Lordship's constitutional firmness was the Representative of His Majesty.

The Colonial Secretary at the Cape finding me a man of the most unbending Protestant principles and possessing a knowledge of the practices of the Jesuits, saw on my first interview that if he did not get me out of the Colony his darling scheme of establishing Popery on the ruin of Protestantism would be exposed and destroyed. He calculated right, for as I checked Popery as much as in my power in Ireland, I was fully determined to do so in South Africa, (where I did not expect to find it dovetailed in the Government) in conformity to those solemn Oaths I took as a Protestant Freeman. Therefore every artifice was set to work to deceive, injure and oppress me. But Sir, I boldly persevered and on the special advice of Lord Charles Somerset I have returned to London to weed the Government of the Cape of the noxious root of Popery, and to obtain ample redress *for my private wrongs sustained in the maintenance of great public blessings*. Now Sir this is a bold and manly course in which I am certain of meeting the high countenance of Parliament, although official difficulties should continue to surround and embarrass me. But as I contended with them in a land of Popish despotism, I do hope to conquer them in this land of Protestant Freedom.

Loud Sir, is the voice of truth and it will prevail, for the more it is rubbed, like hardened steel the brighter polish it takes. This week cannot elapse without my being honoured with an interview with my Lord Bathurst, or yourself, or my Petition must be presented to Parliament.

I am willing to make every allowance for the deception practised on you and My Lord Bathurst by the Colonial Secretary as nothing but the grossest misrepresentations, *and these misrepresentations succeeding*, which they have apparently done, could save him from exemplary punishment. The following very extraordinary preference given to a Papist, to the injury of Protestants, which is recorded in the *Gazette and Court Calendar* of the Cape will speak for itself.

Captain Charles Trappes on the full Pay of the 72nd Regiment, a *Roman Catholic educated at Stonyhurst* was made Provisional Magistrate of Bathurst, and had also two Staff Appointments totally unnecessary created for his accommodation. Officers in his Regt. of great merit and long standing naturally looked to participate in these colonial favors and were refused. Captain Trappes got land near Grahams Town in hundreds and thousands of Acres, he even got the temporary Barracks, all of which he was permitted to sell and put the money in his own pocket, while the other Officers of the Regiment were peremptorily refused the grants of erffs for which they applied. A house Captain Trappes built was purchased from him by Government for 12,000 Rix Dollars, when houses equally as good were sold for 4,000.

It is only within these few days that I ascertained accurate knowledge of this very important fact respecting Capt. Trappes, whose conduct was, when I was at the Cape represented to me, to be most tyrannical towards the unfortunate Settlers, by several respectable strangers, whom curiosity had led to Bathurst, as by the Settlers themselves, who poignantly felt his cruelty, and who as husbands and parents were disgusted with his sensuality. Yes Sir, strange to say this man, this Papist in principle and character was on Lord Charles Somerset's return to the Cape made Landdrost of Tulbagh, *at the request of Colonel Bird*, and the three Reformed Churches of Tulbagh, Worcester and Clanwilliam were placed under the vigilant protection of one of the experienced Rowers of the Bark of Peter, tossed and assailed as it has been by the storms raised against it by us heretics.

The Petition which was presented by Sir Thomas Lethbridge on the 5th March and the second petition which Lord Ennismore left with you, have been entirely framed on public grounds in defence of the Protestant Religion, that the country may see a *specimen* of the evils of Popery in government, all of which can be abundantly established by evidence now in Europe, as I fully informed Lord Bathurst on the 30th ulto. I now inclose a list of a few of my personal grievances at the Cape, for which I never could procure inquiry or redress.

Most candidly do I admit the prolixity of my communications, but great abuses could not be sufficiently exposed without

detailed narrative, as brevity would involve them in obscurity, the veil so much desired by every delinquent.

I made myself well acquainted with the State of the Cape of Good Hope, *and the cause of its evils*, and I can assure you, that I have no objection to substantiate the charges against Colonel Bird and the other notorious delinquents in that Colony *provided* I return there under the powerful protection of Government and in the enjoyment of its confidence to which my constitutional firmness and undauntedness in affliction give me such strong claims. I have &c.

(Signed) WM. PARKER.

[Enclosure in the above.]

Grievances which Wm. Parker has to complain of as having risen from Colonel Bird's hostility to him from his declaration against Popery.

1st. Deceiving him respecting the land at the Klein Valley, when he well knew they were inadequate for the support of one twenty-fifth part of Parker's settlers. But that disregarding this fact which even his Brother in law Mr. Buissinne represented to him, he compelled Mr. Buissinne to sign a false report of the land, which Mr. Berg, Mr. Van Aarde, and Mr. Melk, of the Cape declared to Parker was very different from his opinion.

2nd. Denying to Mr. Parker that there were any government lands at Saldanha Bay when the landdrost Mr. Stoll pointed out many thousand Morgen.

3rd. After Parker had built the walls of a House cleared 30 acres of land at the Klein Valley and planted it with crops of various kinds, he was deprived of all right and title to said land by orders of the Deputy Landdrost of Clan William in consequence of an alleged error of the Land Surveyor, Mr. J. Tulleken, in describing the bounds, and that in consequence of this act of the Landdrost Parker was deprived of his lands house and the property he expended, and never could procure inquiry, or redress from Sir R. Donkin, deluded as he was by the Jesuitical acts of Col. Bird. In consequence Parker had all

his numerous Settlers idle and discontented and he had to pay and support them for many months in a state of great distress and inconvenience removed as they were 10 days journey from him in Bullock waggons.

4th. Sir Rufane Donkin previous to Mr. Parker's being deprived of his land and house had promised in the presence of Col. Bird and Mr. Ellis now in London to establish Parker at Saldanha Bay and Groenekloof and that Parker was to retain the lands at the Klein Valley for a few of his settlers. Parker acted on this promise and provided Boats Timber and a variety of articles for a residence on the sea Coast. But Colonel Bird counteracted all his exertions through his Jesuitical influence over Sir Rufane Donkin, who poisoned by the Colonial Secretary submitted to all his machinations and gave the greatest encouragement to Popery, when every measure to promote the interest of the Protestant Religion met the most insidious opposition.

5th. Parker had to support all his Settlers without any aid from government during two years of appalling famine. He certainly refused going to the Zuureveld, depending on Sir Rufane Donkin's promise of obtaining lands at Saldanha Bay and Groenekloof, and being advised by the Landdrost of the Cape District and by the Rev. Doctor Philip not to sacrifice his large family in a country exposed to the hostile invasions of ill used Savages, and so truly inauspicious to Colonization as the Zuureveld, facts which three years fatal experience demonstratively proves.

6th. That although Parker by the advice of some friends purchased a part of the government Lands at Saldanha Bay, which were denied as such by Col. Bird (as he wished through their instrumentality to establish his Brother in law Captain Blake at the Bay as Resident,) Parker did apply on the 16th April 1821 to Lord Bathurst to have those lands granted to him in part compensation of the lands he was entitled to ; but no answer ever reached Parker ; nor had Lord Charles Somerset as he declared authority to interfere or to enquire into Parker's serious complaints Jesuitism, had so artfully worked to prevent Inquiry.

7th. That a change became indispensable from Parker's crops having totally failed, his men getting discontented as his means of procuring food was diminished and as his most valuable

effects were plundered, or destroyed from six months exposure to all the fluctuations of the weather on the shores of Saldanha Bay, being absolutely refused any shelter for them in the government vacant stores. That the loss alone on this head amounted to £1200 Sterling, the articles being ruined and not selling for one third of their cost, as may be well expected.

[Original.]

Letter from MR. JOHN INGRAM to ROBERT WILMOT, ESQRE.

18 CECIL STREET, LONDON, *May 5th* 1823.

SIR,—Having been selected as head of a party of Settlers under the Parliamentary grant of 1819, I proceeded from Cork with 27 men, 12 women and 28 children to the Cape of Good Hope, where if my rewards were not as advantageous as I could have wished or was led to expect, I have a consolation in thinking that those persons who accompanied me have been removed from penury and want to the greatest comforts, and I had almost said independence; as the poor mechanic was rejoiced to receive permanently from me as Wages only One Shilling per day and the labourers Six Pence with their diet and lodging as soldiers, and their wives and children were glad to work for their maintenance without wages, but on their arrival in the Colony they found such farming mechanics got Six Shillings per day and labourers Three Shillings per day. They became clamorous, and at length on Lord Charles Somerset taking into consideration the great exertions I had made to fulfil the intentions of Parliament (see his letter of the 8th January 1822, which I had the honor of sending you on Thursday last), I discharged my people to let them work for themselves, and have taken the advantage of returning to Ireland for my Family in order to take them out to the Colony.

Since my arrival I have had applications from near Thirty Thousand People to take them out, from the Letters received from those who accompanied me giving such an account of the happiness they are removed to.

It had been my determination to have taken out about 50 people, as my finances would not allow me to take more, though

I could employ three hundred. I am therefore induced to appeal to His Majesty's Government to assist me to take out from two to three hundred men from the innumerable applications I have had in Ireland, which I contemplate will be attended with the happiest results by providing for some of the poor Irish, and ultimately destroying Slavery. I would be the last man to recommend any person to go to the Cape but such as were determined to work, for I regret to say too many gentlemen were sent there in 1819, which was the great cause of disappointment with the Settlers then sent out.

Having said thus much on the subject, permit me to request you to use your best exertions with His Majesty's Government to afford me Transport for Two or Three Hundred Men, and I pledge myself they shall not become a further expence to Government or the Country. I have &c.

(Signed) J. INGRAM.

[Original.]

Letter from the REVEREND DR. MANUEL *to*
ROBERT WILMOT, ESQRE.

CHURCH STREET, STOKE NEWINGTON, *May 9th 1823.*

SIR,—I have the honour to inform you that the Revd. Alexander Smith, who some time ago received an appointment from Government to go as a Clergyman to the Cape of Good Hope, is now in readiness to proceed thither as soon as Government will grant him a Passage, and give him all necessary directions. He has had £50 to enable him to go to Holland to learn the Dutch Language, which he has now perfectly acquired.

As I am resident in London as a Minister of a Scotch Church, the Revd. Dr. Thom, when in Town upon his last visit to this Country, requested me to correspond with you respecting all appointments of this nature, and to aid the young men, who were going out in the above capacity, to make all requisite arrangements.

This being the first case I have had to manage, I am in some measure ignorant how to proceed, but shall wait your instruc-

tions. Mr. Smith has returned to Scotland from Holland, but is prepared to come to London when required. He is anxious to be informed what steps he must take to obtain a passage to the Colony, and whether Government besides will allow him in advance a quarter or a half year's salary, to be deducted or repaid at the Cape. He has found living in Holland much more expensive than he anticipated, and has spent more than the allotted sum.

If you, Sir, will be so good as to give me information on these points, and what directions you consider necessary, I shall immediately communicate them to Mr. Smith. I have &c.

(Signed) WM. MANUEL.

Address : The Rev. Dr. Manuel,
Church Street,
Stoke Newington.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

STOCKWELL, 10 May 1823.

MY LORD,—I am incapable of intrusion or of any unworthy measure to elicit undue recompense ; my hope was that your Lordship by granting me the honor of an Interview, would have spared all further application upon a subject that I must still regret to trouble you with, for I cannot bring myself to apprehend anything at your Lordship's hands, less than the just return which I pray for.

In your reply, I have the mortification to find no answer whatever to my prayer for re-imbusement ! and your Lordship's Letter of the 8th Instant is calculated by reference to beat down every hope, and to cast upon me the veriest despair of deriving anything at all from the promises of the Crown ! except the pangs of defeated expectation, and a deep and continual remorse for the Injuries which my Infatuation in a vague document, has inflicted upon my family.

Surely His Majesty's Government cannot descend to seek such a pretext as is hinted to annul my rights ! It cannot be

your Lordship's purpose to imply, that my personal residence upon the Lands "for three years" is essential to give me a Title to those Lands? and surely the Lands have already been deemed equivalent, for they have been proclaimed as Mortgaged for the very supplies in question: therefore, why, My Lord, will you continue to inflict the cruelty of withholding the Money? I must also again entreat the restitution of my original papers.

Your Lordship will no doubt have it in recollection that on my proceeding to the Cape, as Head of a Party, I deemed it prudent to avail myself of a Protestant Clergyman whom I could entrust with the education of my Sons, and leave as my representative in the Colony, if the death of my Father or any other cause might induce my return to England; and you will also remember a correspondence which took place between your Lordship and Doctor Whitaker, relative to his efficiency and character, &c. I regret that I had not a better opportunity of knowing that Clergyman personally, but he was strongly recommended to me by an honorable Member of Parliament, and your Lordship finally approved of him. I was therefore induced to advance his Deposit Money, I think about £50 or £60 under the belief that it would be returned again in Money! Upon a closer knowledge of this Clergyman I had reason to believe that his habits were not in unison with his profession; and I had the mortification to find that my kindness met with no other return than what is but too common with mankind, Ingratitude! I, of course, withdrew my Sons from his Instruction, and I placed them afterwards under the care and Tuition of the Revd. George Sturt, Colonial Chaplain, at a considerable cost: but notwithstanding this, I possessed him, (the Revd. William Boardman) with everything which I had engaged to do, and lastly I left this Clergyman to represent me in person, on my Lands; and I rather think he has since regretted his want of gratitude; I have however always maintained a correspondence with him and the enclosed letter, recently received will establish his agency; he informs me that His Majesty's Government have made a grant of Ten thousand Acres, and I have enclosed this Letter to your Lordship to throw further light upon the disposition of the Party; now surely any one of this party which I took out would legally identify residence on my part, the same

as any one of my own family, if such a pretext is contemplated ? and moreover, supposing and foreseeing that it would be requisite to keep a head upon the premises for a given time, your Lordship will see that I have maintained a lawful and an efficient Head, viz. the Rev. William Boardman, he is recognised as my representative, agreeable to the Extract of the printed conditions, which your Lordship directs that "I should be reminded of" touching the validity of my Lands ! I must hope, my Lord, there cannot exist a shadow of doubt upon this subject.

My Lord, you must have seen, as I have before stated, that these my Lands were rendered not only altogether inutile to me for the present, but wholly untenable, for if I had had the rashness to carry my family to this devoted spot, after what occurred at Algoa Bay, to use the fearful terms of the wretched minded classes "I was to have received a Bullet through my head from all quarters," even the women were to have reeked their vengeance in my blood, "my little children were to have hung like aspen leaves upon the Trees," and my unfortunate wife was promised "all the horrors of lawless cupidity." Gracious God, would your Lordship ? can His Majesty's Government ? or could common sense, decency, or feeling require a man under such circumstances to squat upon his Lands, like Pagod in a niche, for three years ! as the only means of defining their tenure ? or in other words to obtain a good Title ? I can say no more, the idea is appalling in the extreme. I will only pray your Lordship to be explicit if such a pretext is meditated ! I have &c.

(Signed) THOS. WILLSON.

[Original.]

Memorial of Albany Settlers.

To the RIGHT HONOURABLE EARL BATHURST, His Majesty's noble Secretary of State for the British Colonies, &c., &c., &c.

May it please your Lordship,

We, the undersigned, His Majesty's dutiful and loyal subjects who emigrated to this Colony about Three Years ago, beg leave

with becoming humility to entreat your Lordship to accept our grateful acknowledgment for the kindness we have experienced from His Majesty's Government since we left our native country.

We hail the arrival of that part of the British Code which relates to succession as the Harbinger of an illustrious day, but while we express our gratitude for such a distinguishing favour, we are sure that your Lordship's philanthropic mind cannot but sympathize with us, under the severe misfortunes with which we have been exercised by the frowns of a wise and overruling providence, rendering abortive the efforts of our industry, by the baneful effects of atmospheric influence preventing our Crops of Wheat from advancing to maturity for three successive seasons, but while bowing in submission to the mysterious dispensations of divine providence, we cherish a hope (founded on a recent discovery to many of us, of a species of Wheat **SOLID IN THE STRAW**, which has triumphantly withstood the effects of the Rust, during the Three last disastrous years, on a certain spot within the limits of this Province) that the period is advancing which shall convey to your Lordship the pleasing intelligence that an indulgent providence has favoured us with a bountiful crop, and in pursuing these reflections of anticipated prosperity, we cannot omit to notice with much pleasure the many advantages which are likely to result to the great body of Settlers from the establishment of **A PORT AT THE MOUTH OF THE RIVER KOWIE** by His Excellency the Right Honourable Lord Charles Henry Somerset, and the progress which is making towards the accomplishment of that desirable object, has awakened the gratitude of a loyal people, in addition to the rations, agricultural Implements, Seed Corn and Rice, with which we have been supplied from His Majesty's stores. Yet it is certainly painful to our feelings to learn, that at the very moment when His Excellency the Governor is most zealously employing the high authority with which he is invested to promote the general advantage of the Settlement, that a certain document should have been forwarded to your Lordship, which we conceive contains an unmerited attack upon that distinguished Nobleman, whose endeavours to promote the welfare of all classes of His Majesty's subjects in this part of His dominions have excited our warmest gratitude and applause, by

the wise and beneficent plans to which he is giving successive existence, as explicitly detailed in proclamations published in the *Colonial Gazette*, and which we are persuaded are calculated to disperse the clouds which may have gathered round the Cottage of the Settler, or the Hut of the Hottentot and the Slave, whose mental and moral advantage His Excellency is nobly endeavouring to secure, by the establishment of schools upon the celebrated system invented by the Reverend Doctor Bell, which it is hoped will raise them to useful stations in society, and we cannot but lament that many good and loyal men have been decoyed into an act which implies the greatest ingratitude to the Government of this Colony by the most delusive arts, having signed a sheet which (for well known reasons) was not annexed to the original Memorial as forwarded to your Lordship, and from whom the real object of the Writer was intentionally concealed, but some of whom, it is but fair to state, have since expressed their contrition, and voluntarily given their signatures hereto, as a proof of their attachment to His Excellency's Government.

Females were also indecorously applied to, in the absence of their husbands, and actually prevailed upon to give a decree of sanction to those improper proceedings, by the addition of a name, which they afterwards discovered with sorrow was opposed to the measure.

We cannot however close this address to your Lordship without adverting to the ill directed zeal of the discontented in endeavouring to inflame the minds of the Settlers against the Judicious arrangements of His Excellency respecting "the Albany Levy" and who have represented this most efficacious and constitutional exercise of power, under the civil authority (which is similar to the Independent Yeomanry of England) as a clandestine contrivance to incorporate them with His Majesty's regular Troops, though nothing but the most consummate wisdom and goodness is manifest to those who have paid the least attention to the subject, from the prompt and immediate force which it will supply, in case of any sudden invasion of the Settlement by the Kaffres without that unavoidable delay which an application to the nearest commanding Officer must occasion and which would perhaps be fatal to the interests of the Settlers, and a Corps formed on such a principle, and pro-

vided with arms and ammunition, are likely to possess a greater degree of energy, from the possession of property on the spot, than Troops of the line, who are not stimulated by such a circumstance. Nor can we pass over in silence the mild administration of retributive Justice towards the Kaffres during His Excellency's Government, without the marks of our decided approbation, while we declare ourselves opposed to the anti-christian desires of those, who are anxious to see a vigorous system of warfare carried on to the extermination of whole Tribes, because a few stragglers of enterprising spirit and dishonest principles, have occasionally invaded the Settlement, and driven away some of our Cattle, but which have partly been recovered by the vigilance of His Majesty's Troops, and distributed in equal proportions, according to the claims of the applicants by the Landdrost, and we conceive that such wise and beneficent measures have been uniformly adopted by His Excellency the Right Honourable Lord Charles Somerset, as will transmit his Illustrious name to posterity with a thousand blessings, and perpetuate the honour of His Majesty's Crown.

Province of Albany, Cape of Good Hope,
South Africa, May 13th 1823.

(Signed) Richard White	Thomas Baker
Jas. W. Reeler	Richard Hulley
Rt. Horn	John B. Staples
John Moody	William Ayton
Henry Pedlar	William Stokes
Cypress Messor	Robert Wicks
John Talbot	Joseph Thomas
James Dix	Thos. Warren
James Gaastrey	James Warren
Richd. Tainton	Saml. Hayes
Isaac Deadman	John Wyatt
John Bradley	William Monkhouse Bowker
George Temlett	Edw. Ford, Head of Party
Donald McLean	Joseph Trollip
John Bradley	John Trollip
Thos. Jarman	William Trollip
William Ingram	Stephen Trollip
Charles Dean	Benjamin Trollip

C. Evans	Saml. James, Head of Party
James Leppan	Robt. Rogers
George Wedderburn	Wm. Bartlett
Henry Warner	Jas. Usher
John Kirkman	Wm. Plaeston
Saml. Duxbury	James Randall
John Jones	Philip Hobbs
Abraham Collier	Philip Pinnock
William Cook	Jos. Garland
John Standford	G. Metutens
Richard Walker	William Clogg
Richard Crouch	William Newth
Thos. B. Piper	Richd. Bradshaw
Robt. Jackson	Saml. Harper Bradshaw,
John Thornhill	Head of Party
J. H. Howard	James Parsons
Wm. A. Morgan	Thomas Philpot
Miles Bowker, Head	Jas. Thomas, Shipwright
of Party	William Cock, Head of
John Mitford Bowker	Party
Thos. Francis	Christopher Adecock
Joseph Turpin	Jeremiah Long
Jonathan Chalvers	Peter Vallentine
W. H. Matthews	Thos. Tarr
Richd. Gush	George Denison
Aaron Aldum	Wm. Wright
John Oates	Jos. Wright
Christopher Webb	George Evans
Benjn. Patrick, Head	George Sansom
of Party	Richd. Radford
Chas. Thomas Croft	W. T. Wills
Thos. Isted	C. T. Thornhill, Head of
David Hall	Party
Wm. Rees	E. H. Hanger
Benjn. Rudman	Robt. Henman
Samuel Upcott	Edw. Heley
James Hancock, Head	Edward Turvey
of Party	F. Blackbeard
William Shaw	G. H. Felton
George Hodgkinson	Isaac Persell

Francis Allison	R. Godlonton
Ch. B. Pearse, Jr.	Saml. Freemantle
John Blakemore	Thos. Webster
James J. Eva	George Clark
Will. Berry	Richard Freemantle
George Muggleston	Thos. Payne
Wm. Pike, Head of Party	Joseph Rhodes
Thomas Pike	Thos. Palmer
Wm. Pike	Willm. Bear
Thomas Glass	Robt. Bagshaw
John Armstrong	Thos. Robinson
Chas. Clark	William Thomas
Rich. Pierce	G. Willin
George Slater	Henry Howard
Thomas Fancutt	Wm. Howard
Chris. Harward	Chas. Breeze
Henry Sparks	John Venables
William Roberts	Wm. Calverly
Wm. Boardman, Revd., Head of Party	Wm. Williams
Willm. Leeg	James Johnstone
Jos. Poulton	John Gittings
Thomas Bainbridge	Joseph Cooper
Joseph Lofts	Isaac Wiggill
William Howard, Head of Party	Thomas Brent
James Smith	John Bratfield
John Cadle	Henry Harper
	James Harper
	Chas. Kestell, Shipwright

[A few of the above names may not be correctly given, as the writing is indistinct in some instances and the ink faded in others.—G. M. T.]

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., *to*
MR. THOMAS WILLSON.

DOWNING STREET, 14th May 1823.

SIR,—I have to acknowledge by Earl Bathurst's desire, the receipt of your letter of the 10th instant, and to acquaint you in reply to that part of it which relates to the Title of the Lands on which you were located at the Cape of Good Hope, that there is no intention on the part of His Majesty's Government of resuming possession of them under the Terms of the printed Conditions of 1819 if the Government of the Colony is satisfied with the efficiency of the Agency of the Revd. Mr. Boardman which is to be inferred from a Passage in the letter you have now transmitted from him stating that "Ten thousand acres had been granted to the Party." But with regard to Repayment of the Balance of your Deposit Money as again urged, I have received his Lordship's directions to refer you to the Answers which have already been returned to your former applications.

With reference to your request respecting the Enclosures transmitted to Earl Bathurst in your letters of the 21st April 1821 and 10th instant, I am to acquaint you that although it is not the practice of this Department to return Documents which belong to Letters officially transmitted, Mr. Boardman's Letter without date last marked as received on the 28th of April last, is herewith returned, and a copy of Colonel Bird's letter to you of the 19th April 1821, the original having been bound up with the correspondence of the Cape Government. I am &c.

(Signed) R. WILMOT HORTON.

[Original.]

Letter from MR. JOHN INGRAM to ROBERT WILMOT, ESQRE.

18 CECIL STREET, *May 14th* 1823.

SIR,—I doubt not but you will pardon the liberty I have taken in addressing you, but really the subject is so interesting to me it will plead my excuse.

I have been considering the conversation I had the honor of holding with you and the gentlemen yesterday, and I feel I should ill discharge my duty to you and the Government, were I not to communicate to them in the most candid manner everything that strikes me with conviction on a subject of such importance as the encouragement of emigration to the Cape from the South of Ireland. Experience is one of those great teachers by which we all ought to be guided, that I am induced most unhesitatingly to submit my humble opinion that if Government are known to encourage and assist Emigration it will be attended with the worst of consequences.

1st. Because if left to individuals they embark in the speculation themselves and on the fortune or misfortune of those whom they confide in, and have him to look to for support, but in my case they have the advice of their friends there to go out also.

2ndly. If Government interfere they will say we have been removed under the protection and at the expence of Government from our own country and they will be bound to support us because they were afraid of us at home and glad to get rid of us.

3rdly. I regret to say it has been universally inculcated in them by those who are inimical to Government that they do nothing for them but from some interested or sinister motive.

4thly. If it is supposed to arise from individual exertion, I doubt not but it will be the cause of turning the tide of Emigration towards the Cape with greater effect than if Government were supposed to interfere, because individuals are seldom induced to embark in a speculation of the kind without some strong hopes of profit.

I am led into these conclusions from the conduct of several of the Settlers who were sent out in 1819 always saying to the Masters : Government sent us here, you were at no expence ; we

ought to be free to go where we please. And in several instances they refused to work and thought to break their contracts, but found by experience the Laws were too strong for them.

When I reflect on the ingratitude of the wretched creatures in Ireland (after the magnanimous conduct of the English nation last year), universally saying it was only to gull and deceive them, and to use the words of that truly respected divine, the Lord Bishop of Derry, that the poor about Galway considered the money, &c., &c. sent for their relief as a legacy from their own King James the 2nd, and I understood him to say they took legal advice, could they not recover against those persons the amount of £5 each and prosecute them for withholding it.

I lay these remarks with the greatest submission and respect before you and those Gentlemen who are so solicitous for the welfare of my unfortunate countrymen, and I am decidedly of opinion that individuals encouraged by Government will not only succeed better with them than if Government are known to interfere in the least, because they know individuals cannot support them unless they work hard, but Government can whether they work or not ; and the expence will not be above one half what it was when done through the Navy Board.

This much I pledge myself to aid and assist with my humble exertions any plan which may be considered most prudent by His Majesty's Government. I am, Sir &c.

(Signed) J. INGRAM.

[Copy.]

Letter from the Fiscal to the Colonial Secretary.

FISCAL'S OFFICE, 14th May 1823.

SIR,—In compliance with His Excellency the Governor's directions communicated to me in your letter of the 24th ultimo relative to a Memorial from one Mr. Alexander Macfarlane to His Majesty's Secretary of State, whereby he has requested to be informed on such points as will hereafter be detailed ; I have the honor for the information of His Excellency to report as follows :

First, on the question proposed by Memorialist " whether or

no any investigation as to the death of his son the late Mr. Alexander Macfarlane ever took place in this Colony."

Subsequently to the wrecking of the Portuguese Brig *Nostra Senhora da Guia* in Table Bay, which took place on the 2nd May 1819, a report was circulating in this Town that one Mr. Macfarlane, who had left Batavia on Board the said Brig and had acted therein as Surgeon, should have been murdered on the voyage to this Colony, and that his being the proprietor of the cargo of the said Brig, or at least the principal part thereof, should likely have induced the Master and the Officers of the ship to commit the nefarious act, thereby to enrich themselves with his property.

As evidence was brought forward to prove that great part of the cargo, consisting of tea, had belonged to the late Mr. Alexander Macfarlane, who died on board the ship on the voyage from Batavia to this Colony, and that Mr. Macfarlane was a British subject, an action was instituted before two Commissioners of the Court of Justice for the confiscation of the ship and cargo. I considered this a favourable opportunity for making such enquiry as circumstances did allow, respecting the cause of Mr. Macfarlane's death, and I now beg leave herewith to annex a translated Extract from the Court's record in said case, whereby it will appear that the late Mr. Alexander Macfarlane's death has been unanimously attributed to what is called the Batavian disease, a kind of diarrhoea which in the course of the voyage has cost the life not only of Mr. Macfarlane but also of four other men belonging to the Brig's Crew.

Sometime after this enquiry the suspicion of his being murdered was renewed by a Chinese called Yan, who gave an account of some suspicious circumstances mentioned to him, as he said on the 8th August 1819 in the presence of witnesses by one of the late crew of the Brig *Nostra Senhora da Guia*, also a Chinese. I therefore examined this man before one Commissioner of the Court, when I found that no circumstance justifying the suspicion of murder had been ever stated to him, though he heard that after the decease of Mr. Macfarlane money had been distributed among the crew on board the *Nostra Senhora da Guia*, as may appear from the translation of his examination, which I have the honor to annex. I afterwards examined all the Chinese belonging to the said crew in my office,

but received no other information from them, but what I had already obtained, viz. that Mr. Macfarlane died of the Batavian disease, to which one of them added that the Captain had been very intimate with Mr. Macfarlane, so much so that after the decease of Mr. Macfarlane the affliction had entirely overcome his mind and obliged him to keep his bed.

I therefore did not think it requisite to make any further enquiry for the elucidation of a report, which I considered to have no foundation whatever but in the peculiar situation in which the Master of the ship has been placed, having on board a cargo of tea belonging to an unlicensed British trader, which rendered concealment and perhaps the distributing of money among the crew necessary.

On the 2nd and 3rd questions proposed by Mr. Alexander Macfarlane Senr. in his Memorial viz. :

Second. "Whether or no the goods were confiscated and seized, and if any confiscation took place whether it was of the whole cargo or merely a part thereof ?" and third "If there exist any circumstances connected with the case which may appear to be for the interest of Memorialist or tending to enable him to recover any part of his son's property that may be recoverable ?" I take the liberty to reply that 432 chests of hyson tea (all most damaged and partly destroyed by the wrecking of the ship) which were proved to belong to the Estate of the late Mr. Alexander Macfarlane, have been declared confiscated by sentence of the Court of Justice passed on the 15th July 1819 on rehearing from a Sentence passed by Commissioners of the Court on the 18th May 1819 which has been thereby altered ; and that by a subsequent Sentence of one Commissioner of the Court of Justice passed on the 29th September 1821 the Estate of the late Mr. Macfarlane has been declared liable to a penalty of double the amount of the value of the confiscated tea, part of which has been recovered on the produce of some goods disposed of in this Colony by Public Sale at the Custom house for account of the said Estate, which produce afterwards has been deposited in the Lombard Bank, where the same, after the deduction of some expences due to the Agent of the ship, has remained until the circumstance became known to the Sequestrator, who by virtue of his office is bound to take charge of all property for the Administration of which

no power has been appointed, and who in consequence took possession of the already mentioned balance, but was obliged by the condemnation of the 29th September 1821 to pay the same out again, having first deducted the percentage due to Government for his administration thereof.

That part of the cargo which, under the impression that the same belonged to a Portuguese owner, the Court of Justice has exempted from the confiscation, has been disposed of by the Master of the ship; nor do I know what has become thereof, and with the exception of what I have mentioned nothing else remained in this Colony which to the best of my knowledge and belief ever was considered the property of the late Mr. Alexander Macfarlane.

I take the liberty for the further explanation of this subject herewith to annex translation of the above Sentence passed by the Worshipful Court of Justice and by Commissioners from the Court, as also a copy from an attestation of the Notary Public's, S. Merrington, relating to this subject. I have &c.

(Signed) D. DENYSSEN.

[Original.]

Letter from the NAVY BOARD to ROBERT WILMOT, ESQRE.

NAVY OFFICE, 15th May 1823.

SIR,—In return to your letter of the 13th instant upon the subject of a Conveyance required for 250 Men, 50 Women and 100 Children from Cork to the Cape of Good Hope, and desiring a statement of the probable Expence which the execution of this Service will occasion, we acquaint you for the Information of Lord Bathurst that the Expense of conveying Settlers to the Cape in the Years 1819 and 1820 amounted to £24 10s. 3d. per head, and that we are not aware of any circumstance that will cause it to be less in the present instance. We are &c.

(Signed) H. LEGGE,
FITZ MIDDLETON,
J. BOWEN.

[Original.]

Letter from MR. THOMAS WILLSON to EARL BATHURST.

STOCKWELL, 15 May 1823.

MY LORD,—I have the honor to acknowledge your Lordship's reply of yesterday's date in respect to the Title of my Lands in the Albany District, South Africa. It is highly satisfactory to ascertain from this document "that there is no intention on the part of His Majesty's Government of resuming possession of them under the terms of the printed conditions of 1819," and it is gratifying to me to receive such a proof of the Integrity of the Crown, because it enables me to vindicate its honor with those sceptical minds which were disposed to shake my confidence in its promise.

Without possessing the practical experience of the virtues of His Majesty's Government, I have ever felt that reverence and faith in the Circular promulgated by your Lordship, with which I have been always accustomed to regard the Acts of the Crown, from my earliest years; and your Lordship's name alone is to me at all times an ample guarantee for its Integrity. I flattered myself as long as I could steadily look with confidence upon this Circular of your Lordship's, however dubious its reservations (which in truth is the essence of wisdom, and properly belongs to the Crown), I felt nevertheless confident of its protecting principle, as much so, as those celebrated people who found their safety in regarding the brazen and subtle rod of the Patriarch of old; but as it is very evident from Colonel Bird's Letter to me of the 19 April 1821 "*that His Excellency will be obliged strictly to conform thereto,*" which is saying in other words, that His Excellency is *constrained* to act upon the letter and reservation only, of the printed Circular, I foresee that unless your Lordship will duly authorize His Excellency to render me the Title Deeds of the Lands in question, I have reason to apprehend that my Individual application will avail me nothing, therefore I must pray your Lordship to inform me if you will be pleased to forward the requisite Authority to the Colonial Government at the Cape? I have also the honor to express my grateful acknowledgements to the Honorable Secretary of the Colonial Department

for the polite return of the Revd. William Boardman's letter, and for the Copy of Colonel Bird's letter, which not being the practice of the department I regret to have caused this additional trouble.

I cannot conceal from your Lordship the grief which I continue to endure, in reperusing your several replies, for I do not find your Lordship's compliance, nor your answer to my prayer "that the supplies issued to the Settlers whom I took out might be charged in the way of mortgage upon the Lands, instead of retaining the 2nd and 3rd Instalments of the Cash deposit for payment!" I have been repeatedly urged to Memorialize His Majesty's Ministers upon this subject, but I cannot conceive that it can be at all necessary so long as your Lordship presides over the Colonies! I must hope that your Lordship will have the goodness to advise me herein. I would lament to create embarrassment or difficulty in any Department of the State, with respect to this pecuniary transaction; but I myself, feel so much embarrassed by my pecuniary losses and expences, that although I am not wholly reduced to a state of beggary, I do sincerely stand in need of pecuniary aid to survive my disasters; therefore your Lordship I am sure will pardon me for being so urgent in requesting this mark of your condescension and favour.

I might likewise plead my services to the public, independent of locating the Settlers; for notwithstanding all the maltreatment which I encountered in that unthankful and disgusting duty, I have always been open and available in His Majesty's service, and that too, without fee or reward of any kind whatever. Even the Commandant of Algoa Bay, after his cruelty to myself and family, could not refrain from putting my services into requisition, which I perceived too needful to hesitate a moment. Several thousand pieces of Timber were disembarked from the *Cumbrian* (Captain Brownrigg) during my stay there, and occupied a considerable length of Beach; the sage Commandant eyed them with dismay, they were consigned to him to sell for wooden Houses, the plan was lost! and to use his words "he could neither make head nor tail of them," he could perceive nothing of a beginning, nor a middle, nor an end, it was a Chinese puzzle to him upon a large scale, which the Hottentots could only reduce to practice by boiling their

kettles. In fact, for want of a Key, it was regarded as an acquisition of Fire wood merely. The worthy Commissary suggested to him that I could supply the requisite key, and through that Gentleman he engaged me to the Service. I measured the Timbers, and made the necessary plans &c. for their erection, with the assistance of a dozen Soldiers and my Mechanics. I had a square piece of ground cleared, upon which I stacked the Buildings in several rows, classing and allotting to each its separate detail ; moreover, I erected four of them for the reception of His Majesty's stores, and I lent my Carpenter for this business, allowing him by way of encouragement to receive the weekly pay from the Commissary for his own use, although I myself received nothing, and was laughed at by this Ingrate into the bargain. But My Lord, I have at all times felt, and ever shall feel it to be my common duty (under any circumstances of emergency) to devote myself to the service of His Majesty's Government. That your Lordship may see I nothing lack in truth, I do myself the honor to enclose the Commissary's Certificate in respect to this service, (which I must request to have returned) and out of my personal regard for that worthy Gentleman, who evidently felt a difficulty as to the employment, I waived the pay which was my due.

I am very sure, My Lord, that Sir Rufane Donkin will do me the justice to admit this disposition on my part in respect to the public service, and no less so, as to the private services of Individuals, connected with His Majesty's Government ; and I sincerely believe if a suitable vacancy had presented itself, in the Magistracy or in the direction of the public works &c., it was very much the disposition of the Colonial Government to have conferred it upon me, that I might have felt an Interest to remain in the Colony, for without some actual employment, I was seriously and foolishly sacrificing the best period of my life in a state of vacancy, that was highly criminal towards my family. I have &c.

(Signed) THOS. WILLSON.

[Original.]

Letter from MR. JOHN INGRAM to R. WILMOT HORTON, ESQRE.

18 CECIL STREET, May 16th 1823.

SIR,—On receipt of your respected favor of the 14th which I had the Honor of receiving yesterday morning, I immediately proceeded into the City to ascertain on what terms I could procure the transport of the People from Cork, when I found on consulting with several well informed men, it cannot be done now under £15 per head owing to a rise of 20 per cent on freights and a still greater on provisions since I had been in treaty about 3 months since, allowing at the rate of 1 lb. Meat, 1 lb. Bread and ½ lb. Rice or Oatmeal per day, and the usual supply of Water, proper Medical attendance, Bedding, &c., &c., without Spirits, as I do not consider them necessary, on the contrary injurious.

With respect to sending them out on the liberal plan adopted by the Navy Board in 1819, I am convinced it could not be done for less than £25 or £30 per head.

It strikes me my putting an advertizement in one of the News Papers would ascertain the thing by Monday next on the lowest terms, if it meet the approbation of my Lord Bathurst. I shall remain in attendance all day to answer any queries. I have &c.

(Signed) J. INGRAM.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 20th May 1823.

MY LORD,—I have the honor to transmit to your Lordship a Memorial from the Landdrost of Stellenbosch, praying that he may receive an allowance in conformity to an arrangement made soon after the Surrender of the Colony for extra expences thrown upon the officer holding that situation, and some compensation also for past years.

The affording compensation for time past I decline to recommend to your Lordship, as it might cause embarrassing precedent ; but I do not hesitate strongly and conscientiously to solicit your Lordship's acquiescence in making the Landdrost of Stellenbosch the extra allowance he solicits of fifteen hundred rixdollars per annum from the commencement of the present quarter, which sum from the alteration of the exchange is not more than three-fourths of the allowance (1000 Rixdollars) made on that account after the Surrender of the Colony. Nothing can be more true than the statement of Mr. Van Ryneveld relative to the large calls that are made upon him, that they increase daily and that they cannot (I should say *ought* not to) be avoided.

There is no stranger of any curiosity or note who touches at the Cape, who does not, if he has 3 days to spare, resort to Stellenbosch, and all invariably experience Mr. Van Ryneveld's hospitality. In Mr. Ellis' Embassy to China Vol. 1, Page 28, your Lordship will see that it is remarked, indeed it is as notorious as it is honorable to him.

In a Dispatch I did myself the honor to address to your Lordship on the 13th of September 1817, I expressed my opinion of the inadequacy of the Salary of the Landdrosts generally throughout the Colony. Those in particular upon whom great and unavoidable expense is thrown are the Landdrosts of Albany, Stellenbosch, and the Cape, particularly the two former. To aid them in supporting their situations, the latter holds the situation of Receiver General (4000 Rixdollars per annum) with his Landdrostship and the former is Commandant of the Albany Levy (2000 Rixdollars per annum) but there is no situation compatible with the dignity of the Landdrost and the respect it is necessary he should command, which the Landdrost of Stellenbosch can hold in conjunction with his Landdrostship, and it is therefore that I feel it my duty to press the prayer of this memorial upon your Lordship with much earnestness.

Were I inclined to intrude personal motives upon your Lordship, the able manner in which Mr. Van Ryneveld has during 9 years filled his situation, the respectability and urbanity of his character and manners, and the consideration of his late Father's services in this Colony would amply entitle me to do

so : but I trust I have said enough to induce your Lordship to accede to this small addition to a very slender salary.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the COURT OF JUSTICE to LORD CHARLES SOMERSET.

CAPE TOWN, 20th May 1823.

MY LORD,—We have the honor to acknowledge the receipt of a letter from the Colonial Office of the 22nd ultimo, transmitting, in original, a dispatch from the Under Secretary of State for the Colonial Department, covering a letter and its enclosures from Mr. George Anderson, an Inhabitant of this Town, addressed to the Colonial Office in England, complaining of a Sentence of our Court, in a case of Law charges, instituted against him by Attorney Ruysch, and alleging that a positive Law, promulgated by the Earl of Caledon in 1809, had been disregarded in that instance, together with a copy of the reply which has been returned to Mr. Anderson by Earl Bathurst's direction ; and on which subject your Excellency has been pleased to desire an early Report.

This report, to answer the end proposed, ought, in our humble opinion, to contain a statement of the reasons which, in the case of Mr. G. Anderson, moved the Court to decide *so and not otherwise*, and consequently a vindication of the Court's judgment in deciding a case subject to their jurisdiction upon the mere assertion of an individual " that a positive Colonial Law should have been disregarded in this case." A vindication, My Lord, against which (except in cases of criminal or evident partial conduct) we respectfully conceive every Court of Justice from the nature of its office should stand secured, in order to maintain that public confidence and respect which are inseparable from the functions of a Judge, if their ultimate tendency is to be at all the attainment of the ends of Justice.

We are too well satisfied of the delicacy of your Excellency's feelings on such an important point as the independence of the administration of justice, to entertain the least doubt in regard

to the liberal reception of the remarks which we have taken the liberty respectfully to offer, and which a thorough sense of the important trust reposed in us by His Majesty's Government has imperatively called forth ; but which at the same time we have the high gratification to assure your Excellency are not intended to be assumed as a means to evade a compliance with your Excellency's desire, conceiving it on the contrary a pleasing task, by a candid overture of the nature of our proceedings, to confirm that good opinion, and strengthen that strenuous support which, under your Excellency's administration, the Court of Justice on more than one occasion has so unequivocally experienced.

Impressed with these sentiments, we now have the honor to lay before your Excellency all the circumstances of the case in question, from the commencement to its final termination.

On the 27th February 1822, in conformity to the 6th and following articles of the *General Table of Fees, Charges and Costs*, decreed by our Court on the 7th April 1820, and sanctioned by your Excellency on the 3rd August following, George Anderson and Attorney Ruysch were summoned to appear before the Sitting Commissioner from our Court, to see some bills for law charges, which said Ruysch had filed against said Anderson taxed and moderated, and to hear demand made for condemnation. George Anderson did not appear himself, but empowered Francis Shortt to represent him, who, without entering into the merits of the accounts themselves, immediately alleged on behalf of his Constituent the exception of prescription, founded on the 51st Art. of the Regulations of 1809 above alluded to, which article has been re-enacted by the said General Table of the 3rd August 1820, *with this addition in Paragraph 17 Art. XI* " saving however the remedy of relief on grounds admitted in law, but at all events, with forfeiture of the right of preference."

This exception of prescription was opposed by Attorney Ruysch, on the grounds that George Anderson had allowed those bills for law charges to run on in account current with other monies, which Ruysch had recovered for him (Anderson) by his order. After a hearing of both parties, the Sitting Commissioner on the said 17th February 1822, rejected the proposed exception of prescription, and ordered the defendant to state

his objections to the Bills of Law Charges themselves. Against this judgment George Anderson noted an appeal to our Court, but did not prosecute it till the 21st March following, thereby suffering an intermediate Court day to elapse, without prosecuting his appeal, directly contrary as well to the 40th Art. of the Regulations of 1809 as to Paragraph 11 of Art. 11 of the said General Table of 3rd August 1820, both of which articles peremptorily direct that the appeal or rehearing before the full Court shall be prosecuted and closed by the appellant on the *next* ensuing Court day after the sentence of the Commissioner.

On the day of rehearing George Anderson's advocate, having omitted to summon his party agreeable to practice, to shew cause why his client, Anderson, should not be as yet admitted in appeal, notwithstanding the lapse of time prescribed by law, endeavoured to retrieve this omission in Court by praying to be allowed to amend his summons, and as yet to be admitted to urge his party to shew cause why the appeal should not be admitted. This prayer was opposed by Attorney Ruysch, on the grounds, that not having been summoned to show cause, he was consequently not prepared to do so, and to state his objections thereto. After hearing the arguments on both sides, on the one in support, and on the other in rejection of the prayer, the point in question was terminated by an interlocutory decree, by which the Court rejected the prayer to amend the summons.

No further proceedings in this case took place in our Court, the merits of the Law charges themselves were never entered into, nor were they ever made a subject of judicial consideration and decision, the road to which was however left open to George Anderson, who seems not to have thought proper to avail himself of it.

This, my Lord, is the real state of the proceedings in this case, as extracted from the Records, whereto we beg leave to add the reasons : (*rationes decidendi*) as well of the Commissioner's decision in the first instance, as of the interlocutory decree given by our Court.

It appeared to the Sitting Commissioner and which on examination of the documents became sufficiently evident to us, that at that time there actually existed between George Anderson and Attorney Ruysch an account current, debited

for the bills of Law charges in question, and credited for some monies which had been recovered by the latter for and by order of the former, whence it followed that George Anderson, by admitting that running account as was acknowledged in Court, did in fact desist from the right of prescription, and could therefore under such circumstances not avail himself of that privilege to elude the legality of the claim. In this opinion we have no hesitation to concur, and to adopt it as our own, so that had we been the Judges in the first instances, we should most certainly have acted in the same manner and have rejected the proposed exception.

With regard to the decision of our Court, whereby the prayer to amend the citations, for the sake of compelling the party to plead to what he had not been summoned for was rejected, that declinatory Decree was not only grounded on the arguments of the opposite party, namely that not being summoned to hear any such request made, he was not prepared to answer thereto, or to state his objections, but also, and more especially hereon, that that prayer was considered as it actually is, contrary to the existing practice, and in every respect irregular and an irregularity, which being objected to by the party, could the less be overlooked by the Court, since the obvious tendency of it was to call forth the effect of a strict law of prescription, in order to annihilate a claim, the justice of which could on no legal ground be contested. George Anderson therefore having taken refuge to that strict law, could not possibly expect the least indulgence from his adversary, whose opposition consequently was only natural ; neither could he expect, under such circumstances, that the Court would decide the case otherwise than according to the strictest Rules and Regulations of the practice.

We trust, My Lord, herewith to have most candidly complied with your Excellency's intentions, and returning the original documents transmitted to us, we have the honor to remain, with the greatest respect, &c.

The Chief Justice and Members of the Court.

(Signed) J. A. TRUTER.

By order of the Court.

(Signed) D. F. BERRANGÉ.

[Original.]

Letter from MR. JOHN INGRAM to R. WILMOT HORTON, ESQRE.

15 CECIL STREET, 26th May 1823.

SIR,—In consequence of the mode I took of ascertaining the lowest terms at which I could transport the Servants which it is the intention of Government to assist me in taking out to the Cape of Good Hope from Ireland, I have to inform you I will be enabled to do it something less than I had the honor to state in my Letter of the 16th.

I propose to take them out at Fourteen Pounds per head, payable by my Bill on such Person in London as may be appointed to pay the same by Lord Bathurst, on my accompanying the Bills by a Certificate from the Agents for Transports and Convicts or such other persons as may be appointed to inspect the same certifying that the Ship or Ships have received on board the proper Provision for the Voyage, viz. One Pound Beef or Pork, One Pound Bread, 2 oz. Rice, 2 oz. Oatmeal and One Gallon of Water for each person, to be calculated for One Hundred and Fifty Days, with a Blanket, Bed, and Pillow for each as usual, with proper Medical attendance and Medicines, allowing Two Tons to each person.

Should these terms meet the approbation of my Lord Bathurst, I will take it as a particular favour your giving me an early answer, which I feel you will do from the great interest you take in the state of my unfortunate country. If it be decided to send them in the usual channel, it will greatly facilitate their embarkation the allowing me to return to Ireland to regulate for the People's instant departure on the arrival of the Vessels.

Permit me Sir to say I shall wait at your office your convenience tomorrow, being fully impressed with the other numerous and more pressing claims on your valuable time.

I have &c.

(Signed) J. INGRAM.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 21st May 1823.

SIR,—His Excellency the Governor has directed me to transmit to you the enclosed copy of a memorial from Mr. W. Wait, Head of a Party, again praying that his grant of land may be extended to its original location, and to acquaint you that His Excellency has once refused this, and that he shall not feel inclined to alter his decision unless Mr. Wait can make it clearly appear that he does or will possess means for cultivating and stocking this land fully. When any other persons join Mr. Wait, His Excellency will then ascertain what means they may possess for occupying lands advantageously and be guided accordingly. I have &c.

(Signed) C. BIRD.

[Original.]

Return of Troops serving at the Cape of Good Hope on the 25th of May 1823.

Officers of all ranks at the Regimental Head Quarters or on Detached Duty at the Station		142
Sergeants, Trumpeters, Drummers, and Rank and File :		
Royal Artillery		66
Royal Sappers and Miners		26
6th Regiment		622
49th Regiment		577
55th Regiment		563
Late Royal African Corps		122
Cape Corps { Cavalry		132
{ Infantry		281
Grand Total		2531
Prize Negroes		85

(Signed) C. H. SOMERSET, General.

The Returns after this date until 1825 are missing.—G. M.T.

[Original.]

*Letter from MR. WILLIAM PARKER to ROBERT WILMOT
HORTON, ESQRE.*

10 ADAM STREET, ADELPHI, 26th May 1823.

SIR,—The undeniable proofs in my possession of the Copy of my letter of the 29th Sept. 1820, transmitted from the Colonial Department by order of Lord Bathurst to Sir Rufane Donkin, being interpolated, before it reached him, after its arrival at the Cape of Good Hope, induces me to imagine, that many of the letters attributed to me, to which you alluded are not *genuine*. I am the more led to this conclusion as the Local Authorities conscious of their own nefarious conduct at the Cape had neither truth nor argument to bear them out in their allegations and that they adopted the base subterfuges of dissimulation and fraud, that they may, the more readily, mislead my Lord Bathurst, as Colonel Bird had done Lord Charles Somerset and Sir Rufane Donkin on many occasions making them the instruments of his artifices.

Since I have had the honour to see you, several individuals and letters have arrived from the Cape, which confirm my very strong statements. And Sir, as British faith and British honour are deeply implicated in the third allegation of my Petition, I earnestly hope, that His Majesty's Ministers will lend their powerful aid to Inquiry in London, which will lead to the performance of an act of National justice to those who have not the least hope of redress in South Africa. There, Sir, official despotism will effectually check Inquiry and what it should produce—justice.

Standing as I have always done on the vantage ground of truth, I have assumed a very bold part, which has been met by official difficulties. But all these have never warped me in my determination to use my endeavours to cause justice to be rendered to my unfortunate fellow sufferers and to redeem the British character in the eyes of ill used Savages from the reproach which local villainy had attached thereto.

The British may exterminate the Caffres, they may continue to massacre them in cold blood as was done in 1820, but they can never conquer their independent mind now wrought into a

warlike frenzy by the perpetration of atrocities revolting to human nature.

On my first landing in South Africa I was informed of this important fact and I probed to the bottom the secret cause of the Caffre hostility, which two independent Gentlemen, Natives of Holland accurately informed me of, and one of whom had documents to prove the facts. I have &c.

(Signed) W. PARKER.

[Original.]

*Letter from LORD CHARLES SOMERSET to ROBERT
WILMOT, ESQRE.*

CAPE OF GOOD HOPE, 28th May 1823.

SIR,—On the receipt of your letter of the 30th of November last with enclosures from Mr. Anderson of this place, complaining of the Sentence of the Court of Justice in a Case of Law Charges instituted against him by Mr. Ruysch an Attorney of this Town, I lost no time in causing enquiry to be made into the facts alledged according to Earl Bathurst's desire, and I have now the honour to transmit to you a Copy of a letter which I have received from the Court of Justice explanatory of the circumstances of this case, and I am convinced that His Lordship will coincide with me in considering the Statement of the Court as conclusive and satisfactory. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

*Letter from LORD CHARLES SOMERSET to ROBERT
WILMOT, ESQRE.*

CAPE OF GOOD HOPE, 28th May 1823.

SIR,—I duly received your letter of the first of November last with its enclosure from Mr. Macfarlane detailing circumstances connected with the supposed murder of his Son in the year 1819, and enquiring whether any investigation of the subject ever

took place at the Cape of Good Hope where he is said to have met with his death, and having caused due enquiry to be made into the circumstances I have now the honor to transmit for the information of Earl Bathurst a Copy of a letter from His Majesty's Fiscal to the Colonial Secretary dated 14th May and covering certain documents which will throw all the light on this subject which the records of this place afford. It is however material that it should be noticed to you that Mr. Macfarlane Junior did not meet with his death at this place or in this Jurisdiction, but that he died on board a Portuguese Vessel which sailed from Batavia bound to Rio de Janeiro.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 28th May 1823.

SIR,—In reply to the latter part of your communication of the 12th Instant favorably reporting on the Memorial of J. McKenny and Catherine Armstrong severally praying for Land in the Albany District, I am to acquaint you that His Excellency has been pleased to approve thereof, and that on your remitting the necessary Diagrams to this Office the usual Titles will be forthwith prepared. I have &c.

(Signed) C. BIRD

[Original.]

*Letter from MR. WILLIAM PARKER to R. WILMOI
HORTON, ESQRE.*

NO. 10 ADAM STREET, ADELPHI, 31 May 1823.

SIR,—As Mr. Ingram is likely soon to leave London, there are two particular objects to which I wish to call My Lord

Bathurst's attention. The first is the letter addressed by the Colonial Secretary at the Cape to Mr. O. M. Bergh, the Deputy Landdrost of Clanwilliam in May 1820. That letter which was the first act of Colonel Bird's malignity towards me was of such a nature as loudly to call for the investigation of his Lordship. In May 1822, I solicited a copy of that letter from Lord Charles Somerset, and was refused, as his Excellency stated, that it had been sent to Lord Bathurst. If the copy has not been sent, Mr. Ingram was well acquainted with the original, as he was very intimate with Mr. Bergh, for which that good old Gentleman fell under the severe displeasure of Colonel Bird, who commanded Mr. Bergh to refuse the rights of hospitality to Mr. Ingram, as it was the Colonial Secretary's aim to continue to rule the Colony with a rod of Iron.

Mr. Ingram, whose conduct in South Africa during the reign of Jesuitical terror was so manly and met universal approbation, can testify as to the tenour of Colonel Bird's letter, which was calculated to inflict, as it did, a deep injury on me. Justly indignant at such treatment, I did remonstrate perhaps in unacceptable language and persecution followed.

Mr. Ingram is also cognizant of my articted Settlers being refused provisions at Clanwilliam, at a period when bread and flour were only attainable through the Colonial Government, and that during my absence, they were for several days indebted to his kindness for their daily food.

My research in South Africa will not be unproductive of good, and be pleased to inform My Lord Bathurst, that I am in possession of an atrocious deed committed by the Local Authorities on the Frontier in 1820, which must awaken all the humane feelings of his Lordship, as if I am not grossly misinformed evidence will be given of the deed by an Officer well acquainted with the Earl of Liverpool, and corroborated by the Major commanding Detachments of the 72nd Regiment on the Frontiers and other humane Officers, whose hearts revolted from the perpetration of cold blooded massacre, and whom the hand of God has conducted to Freedom's shores, to inflict divine vengeance on bloody murderers of helpless savages.

The excellent Premier has been already acquainted by the humane and exalted officer with this transaction, and I have had the honor of communicating with his Lordship thereon and

only wait a conference, to address the Earl Bathurst at length on this subject, which must prove of vital importance to his Lordship, as it will fully evince the gravamen of the third allegation in my Petition respecting the ill used Savages. It was generally whispered in the Colony, that cold blooded murder had been committed, but experience convinced me, that in regard to the liberty of the mind and the rights of conscience, that neither South Africa, nor Ireland was like this happy land. Truth was a contraband article in that Colony, but truth will prevail; and I glory in being its humble, but undaunted Advocate in Ireland, at the Cape, and in this Metropolis of the Protestant World, in which I find that my conduct merits the approbation of the most eminent characters. I have &c.

(Signed) WM. PARKER.

[Copy.]

*Return of Settlers located in 1820 in the Albany District,
and State in May 1823.*

Under John Bailie. An idle Party, who have done nothing on their Location, with the exception of two or three Individuals.

Under Arthur Barker. Little or nothing done as to cultivation.

Under Alexander Biggar. The Head of the Party cultivated a considerable quantity of Land during the two first years of his residence; but he has latterly paid his attention to the conveyance of Goods from Algoa Bay to Graham's Town, having a large Family.

Under Miles Bowker. This Party consists of one Family, who have been very industrious.

Under Samuel Bradshaw. An industrious Party.

Under Thomas Brown. Nothing done as to cultivation.

Under Thomas Butler. The Head of the Party has used every exertion, and has, on all occasions, shewn the greatest industry.

Under C. C. Campbell. Nothing done as to cultivation.

Under Frederick Carlisle. An industrious Party.

Under William Clarke. The six Adults reside on this Location, and have no other occupation. One is a Carpenter, and

brings Timber into Graham's Town ; the rest are industrious ; two are employed by a neighbouring Farmer, but still attend to their Land on the Location. 200 Muids of Potatoes have been sold at an average of 8 Rixdollars the Muid. Of the 22 Adults, 12 were servants to Clarke, and are all discharged, some in a few months after arrival ; 4 only staid a year and a half.

Under William Cock. The Head of the Party has not resided on the Location during the last two years ; those who are on the Location have been industrious.

Under Charles Dalgairns. An industrious Party.

Under Lieutenant Daniels. The state of Mr. Daniels' Farm does him much credit, and much labour and exertion must have been used by the Party.

Under John Dixon. The three remaining Persons are industrious, particularly Dixon and Marsden.

Under George Dyason. Great industry and exertion have been used by the Head of this Party and those now on the Location, as will be shewn by the quantity of Land cultivated.

Under Edward Erith. This Party was broken up shortly after their arrival.

Under Thomas Ford. This is an industrious but poor Party, who have laboured under great disadvantages, in consequence of having removed thrice.

Under David Francis. The poverty of this Party drives them to seek employment elsewhere, and very little has been done on their own Land. The Head of the Party has abandoned the Location for some time past.

Under Edward Gardiner. Very little has been done in the way of Agriculture upon this Location. The Party attend more to Grazing.

Under James Greathead. The Head of the Party is an industrious Man.

Under Richard Hayhurst. This is a poor Party, but has been industrious.

Under William Holder. The three Residents are very industrious.

Under William Howard. A tolerably industrious Party.

Under Charles Hyman. This is an industrious but poor Party, who have laboured under great disadvantages, in consequence of having been removed thrice.

Under Samuel James. An industrious Party.

Under Joseph Latham. The Head of the Party does not reside upon the Location ; his Claim to a Location is now under the consideration of His Excellency the Governor. The rest of the Party, from their extreme poverty, are compelled to hire themselves to labour, in consequence of which little has been done upon their Location.

Under Samuel Liversage. A poor and idle Party, who have done nothing as to cultivation.

Under Thomas Mahony. Mr. Mahony having been principally occupied in other pursuits, as much has been done on the Location as the time devoted to it would admit of.

Under John Mandy. An industrious Party.

Under — Menzies.

Under Daniel Mills. Mr. Mills has left the Location ; those remaining are occasionally employed elsewhere ; except Hill's Garden very little has been done at this place.

Under Nathaniel Morgan. Nothing has been done by this Party of an industrious nature.

Under John Morton. Nothing done as to cultivation.

Under Charles Mouncey. An industrious Party.

Nottingham Party. An idle undeserving Party.

Under Samuel Osler. This Location has been abandoned, with the exception that one of the Party, James Weeks, who has seldom resided upon it, and has generally been travelling as a Hawker about the Country, has lately returned to it, and states his intention of continuing.

Under William Owen. Little or nothing done as to cultivation.

Under — Perkins. The one Man left on the Location has been industrious.

Under Thomas Phillips. Mr. Phillips' Party consisted entirely of Servants, who have left him ; a considerable quantity of Land has been cultivated in proportion to the means left.

Under Thomas Lampeter Phillips. Little or nothing has been done as to cultivation.

Under George Pigot. This Party consisted of Servants indentured to the Head of the Party.

Under James Richardson. The Head of this Party is a very industrious man, and the others who have staid on the Location have done as much as their means would enable them.

Under Thomas Rowles. The Head of the Party has not resided on the Location for a considerable time. Nothing has been done on the Location.

Under William Scanlan. Those now on the Location are hard-working Men, but have suffered from Caffre depredations.

Under George Scott. Little or nothing done. A very fine Location.

Under Hezekiah Sephton. A large proportion of this Party consisted of Mechanics, who have not resided on the Location. Those who have resided have been industrious, and are well conducted.

Under George Smith. The Head of this Party has been generally absent, and the Party in general have not exerted themselves to the extent of which they were capable, considering their numbers and the good quality of their Location.

Under William Smith. An industrious Party.

Under George Southey. The Head of the Party and James Thomas have been very industrious. The rest of the Party have not resided much on the Location.

Under John Stanley. The Head of the Party is an industrious Man.

Under — Stubbs. The Head of the Party is an active Man.

Under Christopher Thornhill. The Head of the Party has cultivated a large quantity of Ground.

Under Edward Turvey. Nothing done on this Location as to cultivation, though a fine situation and good soil.

Under Jonathan Wainwright. Those who have remained on the Location have been industrious.

Under William Wait. Little or nothing done as to cultivation.

Under Thomas Willson. This was a very large Party, abandoned by their Head on their arrival. The Location allotted to them was badly divided, and no good arrangements made for their general advantage. With the exceptions of a few Individuals, little or no industry has been employed on the Location.

Number of Adults composing the Parties on landing .	.	.	1,004
Number of Acres allotted to the Parties .	.	.	104,100
Number of Adults now on the Locations .	.	.	438
Number of Females now on the Locations .	.	.	298

Number of Children now on the Locations	843
Stone Houses on the Locations	27
Brick Houses on the Locations	15
Devonshire Cobb Houses on the Locations	65
Wattled and Plastered with Mud Houses on the Locations.	267
Number of Acres of Garden Ground in cultivation	193
Acres of Wheat sown during last Season	679½
Acres of Barley sown during last Season	191
Acres of Oats sown during last Season	62½
Acres of Rye sown during last Season	10
Acres of Indian Corn sown during last Season	320½
Acres of Potatoes planted during last Season	128½
Acres of Pumpkins planted during last Season.	84½
Muids of Wheat gathered last Season	117½
Muids of Barley gathered last Season	753½
Muids of Oats gathered last Season	270
Muids of Rye gathered last Season	50
Muids of Indian Corn gathered last Season	389
Muids of Potatoes gathered last Season	925½
Waggon Loads of Pumpkins gathered last Season	91½
Number of Horses possessed by the Parties	206
Number of Cows possessed by the Parties	2,946
Number of Oxen possessed by the Parties	3,227
Number of Pigs possessed by the Parties	494
Number of Sheep possessed by the Parties	3,223
Number of Goats possessed by the Parties	649

[Original.]

Memorandum by MR. CHARLES D'ESOURY.

In my letter of 22nd February 1823 I stated to have kept back the Statement respecting the Establishment at the Government Farms of the Groote Post because the particulars *could be so much better explained on the Spot*, but whereas now the several other papers and Documents intended to be laid before the Commission are transmitted to England, it will be endeavoured to give such explanation in writing as it is presumed will sufficiently establish the expedience of breaking up that establishment, and prove the disregard for public economy in this instance, while it had been pleaded in certain other.

This referred principally to these three Subjects.

The difficulty without *an authorized* investigation to form a correct opinion of the management.

The same as to the application of the Produce, and thirdly also of the state of the accounts.

The two former must remain unexplained any further than what such parts of the accounts as can be collected will justify to infer, but which it is presumed will be thought sufficient to prove that as a *public Establishment* it is to the Public a *losing concern*, that therefore to have so long persisted in keeping it up stands in immediate contradiction to the assumed principle of public economy upon which His Excellency did not feel himself justified to allow even a temporary relief in the case I had submitted to him.

One circumstance however may be quoted, since it is of public notoriety, and which, were it in any degree taken as an Index to the remainder, would be sufficiently conclusive. It has been adduced as one of the reasons why the original motives for that establishment had ceased to operate, that the advantage of superior breeds of the different description of Stock had been seen and felt, that they had been disposed of in most parts of the Colony, that the farmer and breeder could therefore now, if ever, be safely trusted to select for himself, and to *import also*, for which latter the now so extensive intercourse with England, and the many English Mercantile houses established here afford every day greater facilities.

(Now it is a fact that the only Stock that has been imported for a very considerable time are Horses, and of these His Excellency is believed to be the only importer. They are sold by His Excellency to different Individuals at very high prices, and in particular also to these *Government Farms*, a circumstance in a general point of view much to be regretted, since it affords matter for observations which detracts from that respect which every well meaning subject wishes to see felt for and expressed towards the Governor of the Colony as *His Majesty's representative*.) And as relates to these Farms, when a particular description of Horses &c. is wanted, it seems that it should be purchased in England under special directions, and the Agent of the Colony there should be requested to provide for its being sent over when a suitable opportunity presents itself, in which case, tho' these Farms were then still charged with the several costs attending it, these would be the *prime Costs*, and there is much reason for believing that in point of economy there would

be no inconsiderable saving. And whereas in a late transaction His Excellency has been pleased to transfer a Horse and two Bulls at very high prices indeed from these Government Farms at the Groote Post, to another Government Farm in the interior (Somerset Farm) to make room and pay for a new horse sold by His Excellency to the former, and altho' the latter is not a Breeding Farm, but has been used for a specific purpose as a Commissariat Farm, it is clear that were it to become a practice under the present system for the one farm to play into the other, it would create that which would render the breaking up of the Groote post Establishment the more desirable.

With respect to the accounts the following can be collected. Formerly two Members of the Board of Agriculture repaired Monthly to the Groote Post to examine the accounts kept and laid before them by the Agent. These were the *whole Dr. & Cr. account*, the Agent had the management of all the Sales, and he made all the purchases, choosing the proper opportunities and Seasons for both. The overseer or manager on the Farm, had no right to act in those particulars without the direction of the agent. Since the breaking up of the Board the Agent has been directed to lay the Accounts Monthly before the Auditor, and he continued for some time to make the purchases and to direct the Sales required. And as long as this was persevered in his accounts could be considered as the true state of those pecuniary transactions, and by a regular return being sent in at the end of every Month of the exact state of the Farms, Stock, produce, labour, application of the produce, &c., these two circumstances together acted as some check at least upon the overseer.

Since however this has entirely changed, the Overseer now buys and sells without consulting the Agent, and makes his requisitions for such or such articles as he thinks proper without accounting to the Agent for the use made of them ; he pretends to act under the direction of His Excellency, but it cannot be supposed that His Excellency should have leisure, inclination, or indeed the knowledge of the several details, to be a check upon the overseer, who thence may be considered as *without check* and thence the accounts laid before the Auditor cannot be said to represent the true state of the pecuniary transactions of that Establishment. Moreover how is the auditor to judge of the propriety or impropriety of the transactions these

accounts refer to ? He can in fact do no more than to vouch that the several items are correctly cast up and that the Sum Total is what it has been represented ; but that surely is no *audit*, and to give the name of auditing to what the Auditor does, or *can do* to those accounts is little more than a deception.

The amount of the accounts that have thus received the Auditor's Signature from January 1816 to Ult. November 1822 are

	Rds.	sk.	st.
Balances paid	113,256	5	5
Do. received	106,548	7	4
Deficit	6,707	6	1
It is said there are outstanding demands to the amount of	2,354	0	0
Balance against the Concern	4,353	6	1
Independent of the Debt to the Orphan Chamber of	20,666	0	0

This balance of Rds. 4,353 6 1 is not the result of a single year. There appears no particular claimant for the amount, yet that money has been paid, for it is the result of the Accounts produced, which proves then that there must have been transactions not entered in those accounts. And allowing for errors in the above Totals, so long as there is a deficit of any consequence it justifies the above conclusion, and *that* established, those *unnoted transactions* may be to any amount the nature of the concern admits of, and what justifies the presumption that there must be such *transaction* is the considerable extent and choice of good Land occupied by the Establishment *Rent free* and the number of Slaves and Apprentices working *without wages*, therefore free from the two most depressing outgoings every other Landholder is subject to, yet with these advantages to go behindhand proves either bad management or misapplication of produce or perhaps both combined, yet either, it is presumed, will be allowed to justify the conclusion before drawn and the suggestion of breaking up the Establishment *entirely* and disposing of the Lands to Individuals ready enough to take it and who will usefully occupy it.

(Signed) C. D., Inspector.

[Original.]

*Letter from MR. THOMAS WILLSON to R. WILMOT
HORTON, ESQRE.*

STOCKWELL, 2 June 1823.

SIR,—In my letter to Earl Bathurst of the 15th May last, (which up to this date remains unanswered !) I had the honor to enclose a Certificate from Mr. Commissary Craig, and recollecting that it is not your practice to return original documents of this description, may I be permitted to take a Copy ?

I must also beg leave to state for the information of the Right Honorable The Secretary of State, that in transmitting that Certificate it was very far from my intention to vaunt the favours which I had an opportunity of conferring at the Cape, but merely as a proof of my disposition towards His Majesty's Government ; and in this kind of service I trust it will be admitted that it is not too much that I hope and look for a reciprocal return.

Throughout my several applications, from a high sense of respect and veneration towards Earl Bathurst, I have endeavoured to restrain my feelings as much as possible ; when strongly excited, I am aware it is a failing to be too much under such influence, which will plead my excuse for any expressions at variance with strict control, therefore I flatter myself I cannot fail to merit a reply !

It has been inferred by the Right Honorable the Secretary of State that my Title to my Lands in Albany is clear ; therefore the *equivalent*, which before appeared a matter of doubt, is no less clear and evident. I must hope there can no longer exist a disposition to put me off on that account, but on the contrary that the request contained in my two last Letters will be complied with !

It is a matter of peculiar Interest to my family that I embrace activity during the present Season, from which I feel precluded, in a great measure, pending these Appeals to Earl Bathurst, therefore I must pray that you will do me the honor to communicate his Lordship's final determination. I have &c.

(Signed) THOS. WILLSON.

[Original.]

*Letter from MR. WILLIAM PARKER to ROBERT WILMOT
HORTON, ESQRE.*

Monday, 2nd June 1823.

SIR,—While I admit the truth of your statement in the House of Commons, from the testimony of my valued friend Sir N. Colthurst, that the *prima facie* evidence in the Colonial Office was against me, which I was always persuaded it was, yet as that evidence had a Jesuitical origin and it was prepared for the avowed purpose of deception, which documents in my possession and the testimony of Major Nicolls of the 72nd Regiment and of Mr. Ingram will abundantly prove, I am fully prepared for the most rigid inquiry and determined as I have always been to adhere to truth, I now solicit your submitting this with the inclosed notes from my firm Protestant Friend Lord Kenyon, to my Lord Bathurst's consideration. That noble Baron was informed that I suffered at the Cape of Good Hope for my zealous attachment to the Protestant Religion, and that I was near being a martyr to the good cause, and his Lordship has been as sincere as he has professed, his friendship being pure.

Sir N. Colthurst has stated that he minutely compared my original letter of the 29th September 1820, with the copy taken by my daughter, and that every word agreed with it, and that there is no such passage as Major Nicolls alluded to in his letter of the 19th July 1821, copy of which is inclosed together with my answer. Major Nicolls wrote to me in consequence of the impression which Sir Rufane Donkin's false assertions had made on the Officers of the Garrison at Cape Town and on all the respectable Individuals in the Colony, and which were calculated to prejudice me as a firebrand and mischief maker. But the truth is, and Sir, the true Religion of our Saviour satisfies me, that truth will prevail, that Sir Rufane Donkin's conduct proceeding from a mind under great aberrations and Colonel Bird's aim of supplanting Protestantism by Popery in the Colony did cause such general disgust, that many individuals of wealth were inimical to the Cape Government. Nor could it be expected otherwise, when Captain Burke told his uncontradicted tale of

the murder of innocent Caffres in cold blood, when Major Jackson knew of poor Women and Children being mortally wounded and brought into the English Camp with their entrails protruding. Were not these acts well known among the Military alone sufficient to cause great enmity to the authors of such cruelties.

But Sir, Jesuitism protected the delinquent with its powerful shield and spread an obscurity over truth, which is now dispelling in this land of freedom.

When Captain Burke who is well acquainted with Lord Liverpool and Major Jackson's conduct shall come to be investigated, from what I know of these humane individuals, they will well deserve all that praise which must result from their opposition to such cruelty; particularly Captain Burke's, a total stranger to me, who is I fear under official obloquy, like myself, for his manly conduct.

Sir N. Colthurst proposed a meeting of my Parliamentary friends at Sir Thos. Lethbridge's to prepare for following up a motion for Inquiry. But since I saw the worthy Baronet, I consulted with Lord Kenyon, and as his Lordship stated the fact of the copy of my letter of the 29th Sept. 1820, being interpolated after it was received in the Colony, before it reached Sir R. Donkin, is of such a nature, that My Lord Bathurst will be desirous of finding out every fact I can supply. I therefore admitting as I do the *prima facie* evidence against me, which is a justification so far, of your proceedings in Parliament, I now solicit My Lord Bathurst to adopt the suggestion of Lord Kenyon and to receive in Person from me an unvarnished tale of Sir Rufane Donkin and Colonel Bird's conduct, which I can have no objection that Mr. Forbes may take notes of, and which I shall sign in his Lordship's presence, to whom as a firm Protestant I shall be happy to be introduced, not doubting but that the Noble Secretary will be pleased with that manly course, that I have pursued during the reign of Jesuitical despotism in South Africa. I have &c.

(Signed) WM. PARKER.

[Enclosure in the above.]

Suggestions submitted by W. Parker.

1st. That the evidence of the individuals whose names Parker shall submit be taken in London and referred to the Commissioners at the Cape and that Parker be sent out under the authority of Government to aid the Commissioners with his advice and information.

2nd. That as Parker was entitled under the Parliamentary Grant to enjoy 7600 Acres of Land, which was the inducement to his expatriating himself and exposing his large and respectable family to the greatest difficulties, the Farms of Riet Flat and of Houts Bay in the District of the Cape be granted to him subject to such Crown or Quit Rent, as the Commissioners at the Cape under the circumstances of the case may deem expedient. These lands were designed to be seized on by official men for their own benefit, but Lord Charles Somerset was so indignant at Sir Rufane Donkin's conduct, that His Excellency represented these, among other grants, improperly made, to Lord Bathurst, who it is understood would not sanction their being alienated under such fraudulent circumstances, as the plan of those who aimed at obtaining them, was not for promoting the interests of the Colony, but for private speculation.

3rd. That Parker for the purpose of cultivating said farms proposes to take from Cork 30 able bodied men 17 years of age and upwards, 10 women, 30 children, all to be articulated to him and to be paid for their passage, provisions and medical attendance as Emigrants in the same manner as the Colonial Department has already judiciously agreed for with Mr. Ingram.

4th. That as all the other Settlers were supplied for two years and a half with Provisions under the Parliamentary grant and waggons for the removal of the articulated Persons, that Mr. Parker be paid £ as compensation for the loss he experienced, he being compelled to feed his people during two seasons of alarming want, almost approaching to famine, when bread was not to be had except through the medium of Government, and Parker was cruelly refused any participation in the bounty of the Legislature.

5th. That the Memorial Parker presented to Lord Bathurst

be referred to the Commissioners for the quantum of ultimate compensation he may be entitled to, for the loss and waste of property, for the gross deceit practised on him by Colonel Bird, *which he can even prove at the Cape*, although the most material evidence is not at present there, and for the loss of four years time, at the most valuable period of his life, and that this compensation be referred to the judgment and discretion of the Commissioners.

That in this proposition, there is no compromise of principle, no prejudging on *ex parte* statements, no prejudice to the accused individual Colonel Bird, who will have an opportunity if he can to exculpate himself, in the presence of his accuser, and thus the ends of public justice be slowly but effectually obtained.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 3rd June 1823.

SIR,—I have had the honor to receive your letter of the 1st Ultimo stating you have been directed by His Excellency the Governor to acknowledge the receipt of my letter of the 14th April, in which I reported the proceedings I had taken for the enrolment of the Albany Levy and forwarded Muster Rolls of the two mounted Troops and five Divisions of Infantry, and also requested the Sanction of His Excellency to the appointment of certain persons as Lieutenants of Divisions, and of Mr. George Dyason as adjutant, and that a further supply of Carbines may be furnished, and I have the honor to request you will inform me whether I am to consider such acknowledgement of the receipt of my Letter as conveying the Sanction and approbation of His Excellency of the measures I had adopted, and the appointments I had submitted, or that you will furnish me with the orders and Instructions of His Excellency on the subject, in order that I may be enabled to carry into full effect the provisions of His Excellency's Proclamation of the 4th October last. I have &c.

(Signed) HARRY RIVERS.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 5th June 1823.

MY LORD,—I have the honor to enclose for your Lordship's consideration an account of certain heads of expenditure of this government for the year 1818, which have attracted the notice of the Auditors of Colonial Accounts, in consequence of the sums expended having exceeded in these instances the sum which I am authorised to expend without reference to your Lordship. Your Lordship will not fail to observe, that these items of Expenditure, with the few exceptions I shall have the honour to allude to lower down, are for repairs to Public Buildings in different parts of the Colony; and I beg here to observe to your Lordship, that were the Treasury Regulations to be strictly adhered to in such cases, the dilapidations would bring on an incalculable encrease in the general Expenditure, the price of labour is so great (from two to three Rixdollars a day for a labouring Mason and every other artificer in proportion) and that of Materials so far above the dearest prices of England that a very trivial reparation exceeds the Sum allowed to be expended without sanction, while the mode of building and the quality of the materials are such, that if the repairs required are not immediately undertaken, deterioration would proceed with great rapidity. The mortar used is of clay only, lime being too expensive to introduce into it, and the bricks burnt here, not being waterproof, if once rain penetrates the coat of Lime plastering with which the work is encrusted, a wall is washed away in the shortest period, and to prevent further damage no time must be lost in effecting the repair required. This explanation will I trust be satisfactory to your Lordship and warrant your Lordship in granting the Sanction required by the Audit Department. It has been owing to this self evident reasoning that in each year several items of expenditure have occurred which have not been immediately submitted to your Lordship, but it is my intention in future in compliance with your Lordship's injunctions to submit each item separately as it occurs, without waiting till the Auditors shall require the Sanction.

Your Lordship will perceive that the Expenditure at the Knysna is most economical, that at the period it was undertaken the Navy had their establishment there, from which they procured Timber for His Majesty's Service, and that therefore as well as for the protection of the incipient but important Coasting Trade, this establishment was of paramount necessity. When the articles were ordered for the use of the Mole it was not thought that the expenditure would exceed the amount which I am authorised to expend without reference, and indeed at the rate of Exchange of the present day, the amount is within that mark, an explanation which cannot but be satisfactory to your Lordship, and there only therefore remains for me to say that with respect to the trivial encrease in the wages of Wm. Crowcher, that it is quite impossible to retain in service any English workman at the inferior price this man was previously paid. I have however made subsequent alterations in the establishment to which he was attached, which have reduced the general Expenditure below what it was at the period now remarked upon. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 6th June 1823.

MY LORD,—I beg to inform your Lordship that I have been under the necessity of passing Warrants of this day's date for the following Items, viz.

Rds. 11,377 for repairs done to several Government Buildings at Simon's Town which had suffered extremely from the Weather of the last Season, and

Rds. 2850 for alterations and repairs of the House purchased at Graham's Town for the residence of the Clergyman of the Establishment settled there.

I am to request that Your Lordship will do me the favour to signify to the Auditors of Colonial Accounts your Sanction

thereof, to remove the difficulty which otherwise will occur and which Your Lordship will perceive could not in these instances have been avoided. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

*Letter from the COLONIAL SECRETARY to the REVEREND
W. R. THOMSON.*

COLONIAL OFFICE, 6th June 1823.

SIR,—I am directed by His Excellency the Governor to transmit to you herewith, for your information and guidance, a copy of a letter I have this day addressed to the Revd. Mr. Shaw of Graham's Town, permitting him under certain restrictions to proceed into the Caffer country, for the purpose of carrying to that people the light of the Gospel. I have &c.

(Signed) C. BIRD.

[Copy.]

*Letter from the COLONIAL SECRETARY to the REVEREND
WILLIAM SHAW.*

COLONIAL OFFICE, 6 June 1823.

SIR,—Referring to the wishes you have expressed to be permitted to go into the Caffer Country for the purpose of carrying to that people the light of the Gospel, I am directed by His Excellency the Governor to acquaint you, that, up to this period, His Excellency has been under the necessity of restricting as much as possible the intercourse between the Caffers and the Colony, in consequence of the hostile disposition uniformly manifested by that people towards the Colonists, and the numerous acts of treachery to which that disposition had given rise, fatal to the lives and property of our Colonists. The late meeting which has taken place between the military authorities on the Border and the Caffer Chief, and the tran-

quillity which appears at present to prevail among the several Border Tribes may perhaps warrant His Excellency in deviating from the line hitherto necessarily adopted ; and as it is one of His Excellency's first wishes as expressed in his Instructions to the Revd. Mr. Thomson and Mr. Brownlee to contribute to the Evangelization of the Caffer people, He will assent to such trial being made on your part therein, as you have expressed your willingness to attempt. But it must however be with this restriction, that you return within the Colonial Boundaries whenever called upon by His Excellency so to do, and moreover that you correspond on all subjects with the Revd. Mr. Thomson who being the Government Agent in Caffraria is necessarily in possession of His Excellency's Instructions and views with respect to Caffer Intercourse ; if, therefore, after you shall have first settled you may find it necessary to change your situation, you must have the goodness to apprise Mr. Thomson of the measure and the reasons which induce it ; and you will be required to keep Mr. Thomson informed on all points which relate either to Caffer intercourse or to the progress you make in the arduous labours you are about to undertake.

With every wish for your entire success, I remain &c.

(Signed) C. BIRD.

[Original.]

Letter from COLONEL STRUTT to ROBERT WILMOT, ESQRE.

2 CUMBERLAND PLACE, 7 June 1823.

Colonel Strutt presents his compliments to Mr. Wilmot and forwards to him a packet which he has received from the Revd. J. Carwardine the Clergyman of Tolleshunt Knights near to Malden in Essex. Mr. Carwardine is brother in law to Mr. David Francis who when in England farmed several hundred acres in a very masterly manner, and from the accounts held forth was induced to leave England under the aid of Government with several hundred pounds in his pocket. He is, Col. Strutt understands, now in a state of pecuniary difficulty, not in debt, but by untoward circumstances to which all who went out were subjected, he has consumed all his money.

Mr. David Francis is a sensible man, but the accompanying account of the Settlement will not, Col. Strutt supposes, give information to Government, but he sends it, hoping to be excused for so doing, because he is requested by the very respectable Clergyman, Mr. Carwardine.

[Enclosure in the above.]

Remarks on the new Settlement in the Zuurveld : nature of the Soil, its local Situation, with the disadvantages and objections why it is not calculated for European Agriculturists.

The Zuurveld, although not totally destitute of water, is so far from being well supplied with that most necessary of all articles of life, that it will for ever forbid its being formed into a settlement upon the principle laid down by the Colonial Department at home.

The plan might have answered extremely well in a country which could be cultivated on the principle of English Agriculture and in small farms, such as England was half a century since, but it can never be adopted here with any possibility of success.

If the Zuurveld had been capable of receiving that state of cultivation which the English farmer is so eminent for in his own country, the local situation of this district would always have been a drawback on his exertions, if there was no other cause whatever, as he always looks forward for remuneration for his labour ; and let it be at however distant a period of time, if there is a fair prospect he will never be wanting in industry. If there is no stimulation (which is the case here) the English farmer will in a short time appear equally indolent with the Dutch Boer ; but in justice to this class of people, I have always seen where there is a field for industry they are by no means indolent.

There is another great probability that this Settlement would not have succeeded generally, if the country had been what the English agriculturist could have wished, this is from the very wrong description of persons sent out in the first instance, such as manufacturers of various branches, too many mechanics, persons out of public and private offices and half pay officers in the Army and Navy, most of whose habits of life have been

totally different from those of an Agriculturist, and though some are acquainted with horticulture and agriculture in theory, very few are acquainted with the practical part. There are many other reasons why the Zuurveld can never be available to the English Agriculturist.

The first and grand objection is the want of water, this can never be obviated. The water is so scarce and so bad that it is quite out of the nature of things that it can ever bear even a moderately large population, and much less such a one as the present. I do not mean to say that the number of persons now located in the Zuurveld is too many for its extent, for if one fifth of that unfortunate and uncertain district could be made available to agricultural purposes, it would take an immense population, but it is only adapted to those by whom it has hitherto been inhabited, the Caffers, Hottentots, and Dutch Boers; it must ever be considered in the light of a grazing country, and those that have farms there must have them on a large scale in the first instance, as the country embraces two sorts of grass, the sour and the sweet, though the greater portion is of the former description, and on neither of which will the cattle continue healthy the year through, though there may be water. This is one objection against the system adopted in the new settlement, of locating so many settlers on one spot, though I do not see how it could be prevented, as they must be placed where there is water, and consequently numbers must be situated where either only one sort of grass or the other can be obtained.

It is necessary even in England to have a winter and a summer farm for grazing to advantage, though in winter artificial food is of course resorted to to fatten cattle. Still they exist in that country the year through without any risk of their dying. Even in those dreadful cold climates of Russia, Sweden, and Denmark I have seen cattle in tolerable condition after passing the winter abroad on the natural productions of the country.

It would be very absurd in me to attempt to draw any resemblance between this country and those I have mentioned, nor can it be for one moment supposed that I meant any such thing, but I have taken countries as widely different as any I have been acquainted with, to show that if a person with his

cattle was confined to what would be called a tolerably good place in the Zuurveld, that there would be more danger of the cattle perishing in that District than in those countries I have mentioned, either from the nature of the grass, the want of water, or the sickness which so often prevails amongst the cattle in that part of the Colony.

It is absolutely necessary that if any person attempts to graze there, they should have more than one place, and the second, if possible, should be out of the Zuurveld. There can be no doubt but the climate of the Zuurveld is as healthy as any part of the world to the human race, but not generally so to cattle (horses particularly), there being but very few places where you can attempt to keep them. Nature seems to have thrown more difficulties in the way of the Agriculturist in this excellent climate than the Russian Boor, the Swedish peasant, or the Danish farmer has to contend with in their inhospitable climes. They have their seasons, and however severe and unpleasant they may happen to be, they are to be depended upon, and the farmer can say with confidence, "if I sow I shall reap." Here there is no such reliance on seasons, and from the best information I can obtain on the subject from the oldest inhabitants a person may live in the Zuurveld a century and not meet with two following seasons of the same character; therefore although the Zuurveld has that good and healthy climate, still the inhabitants have more to contend with here than those of the countries I have mentioned, whose situation and climate are so very opposite.

It is true that in all climates, soils, and situations in the world, industry is required to assist nature for the support of man, but here it is of less use than in any other country; and it can never meet the habits, customs, and manners of the English Agriculturists. Natural impediments are against it. The use of the plough in the Zuurveld should never be thought of further than for the production of corn for your own family, but care should be taken always to sow sufficient for three or four years, as you cannot calculate upon more than one crop out of four, unless you can irrigate, which can only be done in very few instances and on small spots, then it is not always certain. It is not from the blight that has occurred these last two years that the farmer should despair of growing corn in the

Zuurveld, but it is from the land being more or less impregnated strongly with saltpetre, and many other calamities this district is subject to, such as total want of rain, blights, by the wind, the locusts, &c., &c. It is also subject to the wire worm, as in England. But suppose for an instant the Zuurveld was not subject to any of these misfortunes I have mentioned, the local situation of the country is quite sufficient to be a decided objection against sowing corn for a market, considering the high prices of those articles of life which are deemed necessary to the English farmer, together with being obliged to cultivate his land with European servants, having no slaves as the Dutch Boers have ; also the expense of carrying the corn to the nearest market (Algoa Bay), a distance from the country of the settlers of 130 miles, or a journey of nine days to go and return. What would a farmer in England think of carting a load this distance to a market for forty rixdollars or four pounds sterling, supposing the rixdollar at two shillings, which is not the case now. This was the average price of wheat at Algoa Bay at the time the settlers arrived there.

Presuming for a moment that the farmer put this corn into his waggon without the expense or trouble of growing it, then he would not get more than half the price Government has been paying for the carriage of such a load that distance. It may be said that other things can be resorted to, such as butter, hides, tallow, breeding cattle, &c. ; all these are the productions of a grazing country, which the Zuurveld can never be under the present principle the settlers are located upon. The soil of this district for the most part is very poor, and consists in general of two descriptions, the first a loose gray sand, and the other a yellow clay with a large portion of sand. When this comes to be ploughed a few times and exposed to the sun and air, it is found to be mostly sand ; there is also a small quantity of black soil, which is the best though there is much sand in its composition, and in some cases turns white after being exposed to the atmosphere a few weeks.

It has no doubt been a much greater calamity for the settlers that their crops have failed the first two years of emigration than it would otherwise have been, but I contend that with the best crops the Zuurveld can produce, and it will grow them occasionally I have no doubt, though it has been asserted to

the contrary by some persons, still the settlers would be in as bad a state as they are at this moment with the exception of mere eating and drinking. It is melancholy in the extreme to behold what the unfortunate settler is reduced to at this moment. The Master who brought out such a capital as would have been sufficient under other circumstances, is now reduced to a level, if not below, the standard of his own servants, and how is it possible it should be otherwise? The last three years of his life has been one continual expense to him without any return whatever, and I am afraid without any hope of any under the present system.

The trouble, expense, and anxiety the miserable settler has been subject to has been extreme; and most probably three years of the best of his life may be carried to this account in a terrible and alarming degree as to his future prospects. It is useless to repine at what is past in this unfortunate emigration to this most uncertain of all countries, but I must say if there was any prospect in future of the emigration succeeding, he ought not to be disheartened by the casualties of the last two years, but support with fortitude his late disappointments and exert himself for the future; but alas, there is no hope for him. This no doubt would be the case with every thinking and industrious settler, but he becomes wretched and desponding, his property exhausted, his children almost without clothes and degenerating in a most alarming degree, without education or religion, their morals destroyed, and in nakedness and want. This is the state of the British Emigrant at this time in the Zuurveld or district of Albany, South Africa.

Under existing circumstances would it not be advisable for the Colonial Government to allow Mechanics and persons unacquainted with agriculture to leave the Zuurveld and settle in other parts of the Colony, a few in one Drostdy and a few in another? Would it not also be advisable if Government would commence some public works on a small scale in various Drostdies to draw the attention of this description of person, and cause them to separate? In doing this, most of the superfluous population will be taken off, and give those that wish to remain more room and a better chance of succeeding as graziers, also those who leave the Zuurveld will become useful to the Colony in various ways and places. After being employed by

Government for a few months they will most probably (if distributed thinly about the country) find no difficulty in providing much better for themselves than by remaining in the Zuurveld.

Would it not be of great advantage to the Settlers if Government would supply those who remain in their locations with cows and breeding sheep to increase their stock. Suppose the settler to receive 20 cows or 100 sheep as may be found expedient, to be returned to Government by instalments as hereafter named. All cattle supplied on the plan hereafter mentioned to be marked with the district mark, and not to be sold until the expiration of five years, under the penalty of double the value of the cattle sold. Sheep to be marked in the ear, and under the same penalty if sold before the term of four years. If any of the said stock should be found unfit for breeding they should be returned to Government in condition for slaughter. The cows should be from two to three years old, if they can be obtained at that age. Each settler to keep a book for the express purpose of showing the increase and casualties of this specific stock. Some person who is competent should be appointed by Government to make an inspection and return of the places which would answer best for cows and oxen and those which in all probability will answer for sheep.

Would not the settler who stays in the Zuurveld receive great support and encouragement as well as benefit from this plan, and would it not go a long way towards establishing this country as a grazing district? Is not the growing of corn under all circumstances in the Zuurveld for a market too fallacious, and should it not be abandoned, and the settler turn his attention to grazing, and that only? I have merely mentioned these queries, presuming that the settlers will under the present system be a continual encumbrance and trouble, rather than advantage to the Colony or satisfaction and benefit to themselves.

The following is the plan I would suggest as an experiment without much risk :—

Government to purchase 3000 sheep at Rds. 2 4 sks. a head, Rds. 7,500. To be returned as follows to the government kraal, Grahams Town, first instalment in the second year after the advance, twenty in every hundred, fit for slaughter; the number will be 600, at Rds. 3 a head. Rds. 1800. Second

instalment at 30 per cent the third year, number 900, at Rds. 3, Rds. 2700. Third instalment at 50 per cent the fourth year, 1500, at Rds. 3 a head, Rds. 4500. Full amount paid to Government in four years, Rds. 9000, or a balance of Rds. 1500.

Government to purchase 3000 cows at Rds. 14 on an average, Rds. 42,000. First instalment six in every twenty advanced, of fat cows or oxen to be paid the third year after the loan, the number will be 900, at Rds. 17½ per head, Rds. 15,750. Second instalment of seven in every twenty to be paid the fourth year, number 1050 at Rds. 17½ per head, Rds. 18,375. Third instalment and fifth year same as the last. Full amount paid to Government Rds. 52,500. Balance Rds. 10,500 for interest.

It would be of great service if a few Merino Sheep could be procured, and no rams but of that breed should be kept, to improve the wool, and European bulls to improve the cattle.

I am induced to think that under all the great difficulties the emigrants have to contend with in the Zuurveld, if one hundred families of industrious habits (suppose five to each family) had been placed judiciously in that country, they might probably have succeeded. This would have been a population of five hundred only, where there were nearly as many thousand located. I cannot conceive that the authorities of this Colony could ever have recommended to the Government at home the Zuurveld as a proper place for a settlement of many individuals on the principle and system adopted by the British Government. If such should have been the case, the Colonial Government of this country must (I humbly submit) have committed an error in judgment, or been much imposed on by misrepresentations of that part of the country.

I should rather suppose the Government at home were influenced by some person who has passed through that district in pursuit of the beauties of nature, rather than to make any observations on the country with the view of making it a settlement for Europeans. A tour might be made through the Zuurveld when it has its best face on, and certainly at times some parts are as fine as any country I ever saw in appearance for agricultural purposes, (but it is in appearance only), for a short residence would convince any observing person of its true character, which is a country with the greatest scarcity of water and a poor soil of the most saline and arid description.

[Copy.]

Letter from SIR JAHLEEL BRENTON to JOHN BARROW, ESQRE.

1 SACKVILLE STREET, 10 June 1823.

SIR,—In reply to your letter of the 7th Inst. conveying to me the directions of the Lords Commissioners of the Admiralty to report my opinion as to the utility of the lighthouse erected on Sea point at the Cape of Good Hope, I beg leave to state for their Lordships' information that I consider the light of great importance to ships approaching Table Bay during the night, and that the want of one has been the cause of several valuable vessels being lost.

The Blaubergh which stands on the N.E. shore of the bay is at some distance inland, the land from the base of this hill to the beach is comparatively low and is lost to the Eye of a Stranger who in working into the Bay finds himself close to the breakers before he is aware of any danger, during the seven years I was at the Cape four vessels of value were lost from this cause, I believe their names were the *Perseverance*, *Ceres*, *Malta*, (the name of the fourth, I do not recollect, but I have specified the others in order that their Lordships might if necessary cause enquiry to be made as to the particular Circumstances attending their loss).

The light is also of great use to vessels coming from India and bound to Table Bay. In a strong South Easter it enables them to keep close to the shore in smooth water during the night, by which means they can almost always reach their anchorage during the moderate hours of the morning, whereas these winds blow with so much violence in the afternoon that a Vessel three leagues from the land has no prospect of getting in during the day, numbers are in consequence blown off for a considerable time, and it often happens that the Passengers bound to the Cape have been landed at St. Helena.

Vessels coming from the Westward in the night feel the benefit of this light and are enabled to find their anchorage with the wind blowing on the shore. H.M. Ships can derive but little advantage from the lighthouse on Sea point, as the Naval Arsenal and Rendezvous are in Simon's Bay. But a light on the Cape point would be of the utmost importance to

them. Indeed I have ever considered such an Establishment indispensable in War time, even in peace it is most desirable, and would prevent some of those fatal accidents occasioned by mistaking the land to the Eastward for the Cape point, which was the case with the *Arniston*.

In a period of War, His Majesty's Ships when ready for sea, and waiting for orders, should always lie in Table Bay during the Summer Months, as they might thence get to Sea at a moment's warning, when they might be detained in Simon's Bay for some time during the height of a S.E. Gale. The lighthouse on Sea point would consequently then become of great advantage to the Naval Service.

In the course of the last Eight years more than Twenty vessels have been lost in Table Bay to the great injury of the underwriters, the value of these Vessels may at a very moderate calculation be estimated at between three and four hundred thousand Pounds Sterling. To prevent the recurrence of such calamities is I fear impossible, but the lighthouse may certainly be the means of diminishing their number. I have &c.

(Signed) JAHL. BRENTON.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 10th June 1823.

SIR,—I have the Honor to acknowledge the receipt of your Letter of the 25th April last transmitting a Copy of a Memorial from several English Settlers declining to take the Oath prescribed by the Proclamation of the 4th October last for persons enrolled in the Albany Levy, and to state that I have communicated the Contents of your Letter to the Memorialists and others, and I have the honor with reference to my Letter of the 14th April last to report to His Excellency the Governor that several persons who had been subjected by Sentence of the Board of Landdrost and Heemraaden to the Fine imposed by the Proclamation, have since expressed a wish to take the Oath, which I have accordingly administered, and I have the honor therefore to request His Excellency's permission to remit

the penalties to such persons as have become sensible of their error and taken the Oath, and that His Excellency will be pleased to direct me as to the remission or enforcement of the Costs of the Process. I have &c.

(Signed) HARRY RIVERS.

[Original.]

*Letter from JOHN BARROW, ESQRE., to R. WILMOT
HORTON, ESQRE.*

ADMIRALTY OFFICE, 12 June 1823.

SIR,—With reference to your letter of the 5th Instant, requesting, by direction of Earl Bathurst, the opinion of my Lords Commissioners of the Admiralty as to the expediency of a Light House which has been erected at Sea Point at the entrance of Table Bay, Cape of Good Hope, under the authority of Sir Rufane Donkin whilst administering as Acting Governor of that Settlement, I am commanded by their Lordships to acquaint you that they were of opinion that the Light House in question could not be of any material use to His Majesty's Navy, but wishing to procure for Earl Bathurst the opinion of Captain Sir Jahleel Brenton, who had resided at the Cape for several years, called upon him for the same, and I am desired to transmit to you a copy of his letter on the subject.

I have &c.

(Signed) JOHN BARROW.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 13th June 1823.

SIR,—I have to acknowledge the Receipt of your Letter of the 3rd Inst., and regret to find from it that my communication of the 1st of the preceding Month has not been found sufficiently

expressive of the Governor's approval of the measures you had reported on the 14th April last to have taken with respect to the Albany Levy. Those measures had certainly met His Excellency's Sanction; but if you will refer to my letter of the 7th October, you will find not only that His Excellency had approved generally of the plan laid down for the Albany Levy, but that he had left the further arrangements and details to your discretion; it was therefore thought sufficient on the present occasion to acknowledge the receipt of those details and to signify to you that they had been submitted to His Excellency. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from the Navy Board to R. WILMOT HORTON, ESQRE.

NAVY OFFICE, 14th June 1823.

SIR,—We have received your Letter of the 9th instant, informing us that it has been decided to issue to Mr. Ingram a Sum of Money to enable him to provide for the Passage, Victualling and Medical Treatment of certain Settlers from Cork to the Cape of Good Hope, and signifying the Desire of Earl Bathurst that we should give Instructions that the Ship *Barrosa* might be immediately surveyed and Report be made as to her fitness to be engaged by Mr. Ingram for the purpose of conveying the Persons alluded to, 400 in number, besides Mr. Ingram's family, to the Cape of Good Hope.

In return we enclose, for the information of His Lordship, a Copy of a Report of the Survey which has, in consequence, been made on the *Barrosa* by the Agent for Transports at Deptford and the Master Shipwright of Deptford Yard; and we request that we may be furnished with a Copy of the Charter-party for this Ship, in order that we may forward it to the Agent for Transports at Cork with the requisite directions to him to see that she be fitted and victualled agreeably to the Terms of it. We also request that we may be furnished with the Particulars of the Daily Ration of Provision^s

which is to be issued to the Men, Women, and Children during the Voyage. We are &c.

(Signed) F. THOMPSON,
FITZ MIDDLETON,
J. BOWEN.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to
LORD CHARLES SOMERSET.*

DOWNING STREET, 15th June 1823.

MY LORD,—It being understood that a Motion would be made early in the next Session of Parliament calling for information respecting the trial of a Female Slave for the Murder of three of her Children at the Cape of Good Hope in the Year 1819, I take this opportunity to request your Lordship would be pleased to give directions that Copies of all proceedings that may have taken place in any such Case, may be prepared, and transmitted to this Department. And an intimation having also been given that information would likewise be called for respecting any Sales by Auction of Slaves belonging to the Government at the Cape of Good Hope since the Year 1815, I am further directed by Earl Bathurst to request your Lordship would at the same time furnish me with the means of meeting any Motion that may be brought forward with reference to such a Subject. I have &c.

(Signed) R. WILMOT HORTON.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to
LORD CHARLES SOMERSET.*

DOWNING STREET, 15th June 1823.

MY LORD,—I do myself the honor to transmit herewith a Letter which I have received from The Lord Chief Baron of Scotland making enquiry respecting a Person of the Name of

Bertram or Bartram who is represented to have sailed about Six Years ago from Leith for the Cape on board a Vessel of which the Master's name was Moodie ; and who after his arrival in the Colony is stated to have written to his friends informing them that He had obtained employment in the Service of Mr. John Gosling at Hottentot Holland, and I request Your Lordship would be good enough to give the necessary directions that diligent Enquiry may be made respecting the Individual in question ; and that the Result may be transmitted to this office in order that a corresponding Communication may be made to the Lord Chief Baron. I have &c.

(Signed) R. WILMOT HORTON.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 17th June 1823.

MY LORD,—The frequent Storms which occur in Table Bay had so shaken the only Wharf which affords convenience to Merchants and others for landing and shipping all Articles of Commerce that it was found necessary during the Administration of this Government by Sir Rufane Donkin not to delay authorising a thorough repair thereof, the expense of which has amounted to the Sum of Rds. 15,030 5 3, for which, seeing its absolute necessity, I have issued my Warrant, and I have to request that Your Lordship will do me the honour to communicate your Sanction thereof to the Auditors of Public Accounts, the circumstances of the case not having admitted of a previous reference to Your Lordship, without great risk of further damage and consequent additional and considerable expense.

The Wharf or Jetty of this place is of Wood, being built of Teak piles, which are of themselves very expensive ; the repair has been executed in a very masterly manner under the superintendence of an experienced Artificer, who has been remunerated at the very low rate of 3 Rixdollars only per diem for his trouble during the continuance of the work. There is a Wharfage duty collected, which is ample for covering

this expenditure, but having been paid into the Treasury it could not be made available for this payment, except in the manner now submitted. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from SIR RUFANE SHAWE DONKIN to EARL BATHURST.

89, Pall Mall, June 17th 1823.

MY LORD,—When I was at Rome last winter, from which place I am just returned, I received a letter from Mr. Wilmot, written by your Lordship's order, which has given me the greatest pain, and which is but little alleviated even by the consciousness of not having really merited such a measure of your Lordship's disapprobation.

During the time I was at the Cape of Good Hope I had the good fortune to obtain, what I anxiously strove after, your Lordship's good opinion and approbation; and on my return to England, your Lordship was pleased to repeat your favourable sentiments of me in the most flattering manner. I cannot abandon without a struggle a reward I prize so highly; and I maintain with the firmness of conscious integrity that I have never deserved to lose it.

If I did not enter into Mr. Wilmot's letter point by point in my answer (which I trust arrived safe, and has been seen by your Lordship), and if I confined myself to expressions of general regret at having received such a communication, it was because I felt that it did not become me to enter into any thing like a controversial or disputatious correspondence with one of His Majesty's Secretaries of State, for whose person as well as office I entertain the highest respect; but I trust and hope that I may be allowed to do verbally that which I forbore to do in writing; that is, to explain fully to your Lordship some points of Mr. Wilmot's letter, which I respectfully beg leave to say, seem founded on a misapprehension of the real state of the case.

But admitting even that I have fallen into the errors pointed out by Mr. Wilmot, I in vain look to them for a cause sufficient

to produce such a dispatch as that which I have received, and which seems to imply a total loss of your Lordship's favour ; and I am not without my fears that the unceasing and active endeavours of the man who has announced himself as my determined enemy, not in Africa only, but throughout England, and who to that enmity has sacrificed and ruined our settlement in Albany, because it was my work, may have operated unfavourably on your Lordship's mind ; but all I ask is to be heard on any and every insinuation coming from that quarter ; and if forced to do so, I can and will make disclosures which will at once astonish and shock your Lordship, and cover him with utter ruin ! but I feel that my honour and name must and will stand on their own foundations, and need not the downfall of another for their security. I rely in the fullest confidence on your Lordship's justice, candour, and, I will add, support ; for I expect and look for support when such attempts have been made (most unaccountably and causelessly) to injure me. I request, therefore, to be permitted to wait on your Lordship, in a full confidence that I shall satisfy you that I have still the same claim to your Lordship's good opinion which I ever had.

I have &c.

(Signed) R. S. DONKIN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 18th June 1823.

MY LORD,—I am commanded by the King to desire that in all Cases whatever in which you may feel yourself induced to solicit His Majesty's Clemency in favor of persons judicially convicted of Crimes or Misdemeanors, or to recommend a Remission or Commutation of the punishments awarded to such persons, or in any way submit the Judgement for my Consideration, you do invariably transmit to me Copies of the judicial proceedings including the Evidence which led to their Conviction, and not limit yourself to the record of the Judgement. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. JOHN INGRAM to R. WILMOT HORTON, ESQRE.

LONDON, 18th June 1823.

SIR,—I am honored with your respected favor of yesterday ; in compliance with the desire therein contained I have the honor to transmit you the Copy of the Charter-party entered into by me for the *Barrossa* to take the four Hundred persons from Cork to the Cape of Good Hope, which I hope will prove satisfactory.

Having waited in town a considerable time in hopes of getting the Bond executed to His Majesty's Treasury, as directed by your letter of the , you will perceive by the charter party my time is very limited indeed, and as it is of the utmost importance to myself and the People who will accompany me, that I repair to Cork immediately, and having learnt from Mr. Maule, their Lordships' Solicitor, it is probable several days may elapse before he can prepare it in consequence of being obliged to lay the same before Counsel, it being a novel case, permit me to request of you, as a particular favor, to have arrangements made that the Bond be sent to Cork, for my signature before a Notary Public or such other persons as may be appointed.

I am convinced I need not urge the matter further on one so capable of judging my situation. I have &c.

(Signed) J. INGRAM.

[Copy.]

*Letter from MR. J. M. LEITNER to the
REVEREND MR. HALBECK.*

LEPER INSTITUTION, June 19th 1823.

MY DEAR FRIEND,—Enclosed I send you a copy of certain Rules, probably by Dr. Barry, which were annexed to some manuscript directions how to use the medicines ordered for this Establishment. You will easily perceive that the author whoever he be, (for the order is without signature) assumes a

power over me, which I cannot acknowledge, and I wish therefore that you would have the goodness to come over to me, in order that I may have some conversation with you on this subject, which has given me a great deal of uneasiness.

I wish also to speak to you about several other measures, which I think the proper management of the Establishment requires, and which I do not like to propose without having previously consulted with you. I am also of opinion that it will be necessary that one of us proceed to Cape Town, and as I cannot possibly leave home, on account of the various duties incumbent upon me, you would greatly oblige me by doing it for me, and I shall be fully content with any arrangement you may think proper to make. I remain &c.

(Signed) J. M. LEITNER.

[Enclosure in the above.]

Rules for the general treatment of the Lepers, which it is requested Mr. and Mrs. Leitner to attend to.

1st. The strictest attention must be paid to the personal cleanliness of the Lepers ; their bedding and clothing must be frequently changed, and they must bathe twice a week at least. The children should be bathed daily : the whole party would derive much benefit were it practicable to bathe daily.

2nd. The diet is of great consequence, nothing salted, such as fish, meat, &c., &c., should be permitted. Milk, rice, vegetables, and fruit should be used as much as possible ; fresh mutton and soup once daily, unless otherwise ordered.

3rd. The sores must be washed twice daily with Tar water and dressed with Tar plaster ; the old plaisters must be thrown away.

4th. The state of the bowels must be attended to, and recourse had to the medicines directed in this book. The venereal cases must be kept apart from the other, and treated as ordered.

5th. The very bad cases of Leprosy must be separated from the others, and a sufficient quantity of Wine given to the sick (from 2 glasses to a pint daily).

6th. The food must be clean and well cooked by persons

appointed for that duty : the messes should be almost daily inspected by Mr. and Mrs. Leitner. Good order must be preserved, but no *cruelty* nor deprivation of food must ever be resorted to. The parties must be considered not as Convicts, but as Unfortunate. The School and Church should be encouraged, as so should industry as much as possible.

As my Visits to this Institution will be frequent I shall from time to time point out any necessary changes. Also Mr. Leitner must write to me every week, as to the changes, success, difficulties, &c., &c.

[Original.]

Letter from MR. JOHN INGRAM to R. WILMOT HORTON, ESQRE.

LONDON, 19th June 1823.

SIR,—With reference to the conversation I had the honor of holding with you this day, respecting the Education of the Children who are about to accompany me to the Cape of Good Hope, I have great pleasure in stating when I went out in 1819 I did not lose sight of that inestimable Blessing towards my people's Children, and it is my determination in the present instance to have both Male and Female instructors for those Children whom I shall look upon as my own.

I cannot but avail myself of the present opportunity of returning you my most sincere thanks for the great and kind Interest you have taken in me and my unfortunate Countrymen. I am Sir &c.

(Signed) J. INGRAM.

P.S. Permit me to remind you, respecting the giving orders (should it meet my Lord Bathurst's approbation) that the Poor People shall not be chargeable with Five Rix Dollars each for leave to reside in the Colony. J. I.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 20th June 1823.

MY LORD,—Representations having been made to this Department in which it is alleged that Colonel Bird has not qualified himself for office by taking the oaths which are requisite from persons appointed to Offices of trust upon the Establishment of the Civil Administration of the Cape of Good Hope ; I have to desire Your Lordship would direct an Enquiry to be made on this Subject, and in the event of its appearing that this prescribed Regulation has not already been complied with, I have to instruct Your Lordship to cause an intimation to be given to Colonel Bird that it is necessary He should no longer delay to complete an Act which in conformity with general usage should have preceded his entering upon the Duties of his office, and I have at the same time to direct that in communicating to me the Result of Your Enquiry Your Lordship would cause a Statement to be transmitted explaining the circumstances under which the usual Proceedings with regard to administering the Customary Oaths of Office were omitted upon the occasion of Colonel Bird's assuming the direction of the Office of Secretary to the Government of the Cape of Good Hope. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MR. GEORGE PIGOT to ROBERT WILMOT, ESQRE.

ALBANY, June 20th 1823.

SIR,—I have the honor to acknowledge the receipt of your letter of the 20th December 1822 in answer to my communication to Earl Bathurst of 27th August, in which I stated the alarm of the Settlers, at the Caffres being invited into the Settlement, assembling at Mr. Mahony's, Mr. Brown's, and Mr. Stubbs' locations, close on this side the Fish River bush, to barter with Government for Ivory ; before closing my

letter I was enabled to state the fact of the murders of Mr. Mahony's Servants, the result of that Traffic.

In the month of May last they were again invited to the same place for the same purpose, and extraordinary as it may appear, the same week I received your answer to my original complaint; the Caffres produced only two teeth to the Government agents, as Government give them only red clay in return, but they told Stubbs, (who was in the habit of constant intercourse with them after these fairs) that they had plenty of Ivory at hand. Stubbs with some others met them accordingly, and was in the act of procuring Ivory, and Cattle, in exchange for wire, beads, &c., when some Hottentots by the direction of the officer commanding at the Post, seized the Cattle, and Ivory, with two Boys (Stubbs' Sons) and took them to Grahams Town. The Caffres considering that this was a trick of Stubbs to get the Cattle before they had completed their bargains, murdered him; he was the head of a party, had been particularly industrious, and has left a wife and several young children.

I do not mean to vindicate Stubbs for trading contrary to orders, but how discouraging to our exertions, to have these barbarians brought amongst us, in opposition to our wishes and remonstrances.

In the faith that the British Government would see we were protected, I have established myself in a way that would not disgrace a Settlement of many years standing; having done so, it is out of my power to quit the Country. Sir Rufane Donkin intended establishing a fair for the *Colonists*, but it was to have been held on the Keiskamma, the Caffres then could not have lingered in the woods, as there is a fine open country between it and the Fish River, which if inhabited could effectually protect itself and the Country in the rear.

In March last I transmitted to Earl Bathurst a duplicate of a Statement of the Settlers to the British Government, which, with the original, that was signed by two Hundred of the principal Settlers, I hope arrived safe.

I trust my sentiments are sufficiently known at the Colonial Office to satisfy them, that I would not sign any statement that was not correct, loyal, respectful, and moderate, and I beg it may not go unobserved, that persons of the description

of Mr. Parker, Mr. Burnett, &c., have not been permitted to sign this statement.

As in your letter of the 20th December you refer to the new Levy, I will state a few facts concerning it, gathered from my close intercourse with the persons called on to enrol. Had conciliating measures been resorted to every man would have entered, this I can vouch for, from having myself sworn in Two Hundred ; it was the general feeling that they were willing to take the oath of Allegiance, and to serve for the defence of the District, but they objected to the oath as it was worded, the violent measures taken to enforce the oath, and the insults offered to half pay officers, made the measure obnoxious, and has driven many of the Settlers out of the District, among whom were most of my party, after my having built them houses, and kept them together at great expense for three years.

Since writing the above I have received a letter from my Brother, on the Subject of Quit rents paid by the Boors, which he did not sufficiently understand to explain to you.

A Dutch Boor's farm contains from four to six thousand acres of Land, for which he pays from twenty to one Hundred Rix Dollars quit rent ; Lord Bathurst's Circular letter to the Settlers states, that they are not to pay more than two pounds (which at the present rate of exchange is twenty-five rix dollars) for every hundred acres, consequently a farm of two thousand acres, which is as large a portion as any of the Settlers enjoy, the quit rent would amount to five Hundred Rix Dollars.

As our titles have not yet been given to us, we cannot say how much of this quit rent will be required, but we are naturally very anxious on the subject, particularly as a small grant given to me by Sir Rufane Donkin of 92 acres (the only instance of the Quit Rent being known) is charged twenty Rix Dollars. Small as this Sum may appear in England, it is quite unreasonable here, where we have no other prospects than following the Dutch Boors' system (which has been so much abused) of grazing farms ; for I am fully convinced by experience we can never grow grain to any extent, and even if the Climate would permit it the present high price of wages would effectually prevent us.

With respect to the Slaves, I named to my brother, the Landdrost, the Secretary, and District Clerk as employing

them, merely as persons immediately connected with the Settlers, but every Shopkeeper or fresh resident from Cape Town brings their Slaves ; the old Dutch inhabitants of the District of course have them.

My Brother mentions that you told him you thought we ought to have a preference in receiving prize Slaves as apprentices, this would be indeed a great thing for us, and if we had also a preference in engaging Hottentots it would in a great measure make up for the want of Slaves. I hope you will excuse my suggesting to you a plan for distributing these prize Slaves.

The heads of parties consisted of two classes, one who brought articulated Servants, the other merely a nominal head, the party being perfectly independent, having paid their own deposit. As the first class are the principal sufferers from the loss of their servants, I submit that they should receive prize slaves in proportion to the number of Articled Servants they brought out, for I assure you it is this Class of persons that has suffered, and is still suffering, from the repeated losses we have sustained, as well as the want of an acknowledged gradation in Society, for the natural effect of a Government of this sort must be to place everyone on a level, except the supreme head, or his chief Magistrate the Landdrost of the District.

I continue to be as partial to the country and climate as ever, and have no doubt of ultimate success ; every country has some natural disadvantages, and I am convinced I could not have established myself in any of the other British Colonies at so easy a rate as I have done here, although I have expended several thousand pounds. I am now turning my attention to sheep and Spanish wool, which I am persuaded may be grown to any extent, we only want a direct communication from England to the Mouth of the Cowie, if one ship in the year would visit us, it would be a Stimulus for exertion.

I hope there is nothing in this letter than can be construed into disaffection to the Government, which believe me is far from my principles, the proximity of my residence to the spot where these murders have been committed, and the welfare of the poor people around me, compelled me to make mention of it.

I am much obliged to you for your promise to my Brother

to write to Mr. Bigge in my behalf, I shall be most happy to give him any information with respect to the new Settlement, which my local knowledge may enable me to do. I have &c.

(Signed) GEO. PIGOT.

[Office Copy.]

*Letter from ROBERT WILMOT HORTON, ESQRE., to
SIR RUFANE SHAWE DONKIN.*

DOWNING STREET, 21st June 1823.

DEAR SIR,—From the extreme press of public business at this time, I have not hitherto been able to answer either the letter or the note which you did me the honour to send me.

Lord Bathurst had given me instructions for an answer to your letter to him previously to my receiving a message through Mr. Forbes, in the spirit of your note, to request I would see you before an answer was returned.

With respect to the answer which you sent to my letter of the 30th December, upon the subject of grants of land at the Cape, I am directed by Lord Bathurst to request you would, without loss of time, prepare that more complete reply which you have stated that it was in your power to have given, but which you were induced to withhold. You must be aware that it is of extreme importance that such an answer should be received for your own sake ; for if these letters are laid before Parliament, it will be unsatisfactory for me to have to state that the most conclusive part of your reasoning in defence of your own principle had been left for verbal explanation.

The chief observation which Lord Bathurst directed me to make had reference to passages written by yourself ; his Lordship is therefore naturally surprised that you should have attributed them to any other cause or source than to your remarks upon grants which had made such observations necessary, and which were actually quoted in my reply.

No retraction was therein made of those general expressions of satisfaction at your conduct at the Cape which Lord Bathurst

had felt himself justified in conveying to you, nor was it intended to impute to you any sort of improper motive ; but simply to protest, for reasons so completely detailed, against the principle upon which, according to your own showing, you had in one particular branch conducted the administration of that government.

With respect to the charges which you have more than implied that it is in your power to establish against Lord Charles Somerset, Lord Bathurst feels that after having received such an intimation, it is impossible for him to do otherwise than call upon you to communicate to him the substance of those charges, the nature and tendency of which, from the manner in which you have characterized them, his Lordship considers it imperative upon him to investigate. I have &c.

(Signed) R. W. HORTON.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to
W. PARKER, ESQRE.*

DOWNING STREET, 21st June 1823.

SIR,—Copies having been taken of the papers you have recently submitted to this Department containing Charges against Colonel Bird, I am directed by Earl Bathurst to return the same to you with the observation that by far the greater part of those charges involve matter for which that gentleman as a ministerial Officer of the Cape Government is not responsible, and consequently if their substance is to be preferred at all, they must be directed against the Governor or Acting Governor of the Cape according to the period when the presumed Injury was received. I have again to repeat to you, that if you bring forward your Charges framed in a distinct, and precise manner, and supported by Documentary Evidence on Oath, such Charges will be referred, under Lord Bathurst's authority, to the Cape for Investigation by the Commissioners of Inquiry, if his Lordship feels that there are not sufficient Documents in this Country to govern his decision upon them ;

but if you continue in contradiction to the Advice of those who are interested for you to prefer charges which cannot be supported against an irresponsible Officer for Acts which are only presumed to have been done under his influence, Lord Bathurst will reluctantly be compelled to put a final termination to any communication between you and this Department ; tho' even in that case his Lordship will be disposed to communicate with any person whom Sir Nicholas Colthurst, Lord Ennismore, or Mr. Hutchinson may name for that purpose, and who will not impede the termination of this business by the perpetual introduction of irrelevant matter which consumes unnecessarily, and in an unparalleled degree, the time, and trouble of this Department. I am &c.

(Signed) R. WILMOT HORTON.

[Original.]

*Letter from SIR RUFANE SHAWE DONKIN to
R. WILMOT HORTON, ESQRE.*

89, Pall Mall, June 22, 1823.

DEAR SIR,—Your letter of yesterday has relieved me from much uneasiness, for it shews me that your despatch which I received at Rome does not imply a retractation of Lord Bathurst's favorable opinion on my general conduct at the Cape, but merely points to matters of my own shewing.

You will make allowance, I am sure, for the Excitement under which I wrote to Lord Bathurst when I tell you that almost every third Man I met in the Street on my return from the Continent last week said to me " So, How is this, all your Friends are very sorry to find that you have lost all your Ground in Downing Street, you are no longer in favor there, all the fine Compliments you received about your administration at the Cape are annulled, and Charles Somerset has completely overset you. He boasts that he has done so to all his correspondents here. You should lose no time, but go down and set yourself right, as we well know you can do, but you can save yourself only by *shewing him up*."

This latter feeling I ought to have rejected. I did not wish, and I do not wish to *force* Lord Bathurst to know, officially, what it must be both painful and inconvenient to him so to know. Neither do I wish to expose a Member of a family so truly honorable, and which I respect so much as that of the Duke of Beaufort, two of whose Brothers I have long known, and who stand so deservedly and so eminently high as Soldiers and as Gentlemen. My business was to set myself right with Lord Bathurst, and not to attack another, however cruelly and unjustly he may have attacked me. I wished therefore, on cooler reflection, and I still wish to withdraw my letter to Earl Bathurst, which in fact, after your letter of yesterday, is become unnecessary.

My objects are Quiet and the preservation of Lord Bathurst's good opinion. I have passed my whole life honorably and fairly, and I felt irritated at believing that my Character had been effectually, but so unjustly injured in a Quarter where of all others I wished to stand well.

In regard to a fuller Explanation which I have said I could give in reply to your despatch, I shall now furnish it without delay. I withheld so detailed a Reply both out of respect to Lord Bathurst with whom I wished to avoid all appearance of discussion, and from feeling how fatiguing it must be to your department to have long personal Explanations to attend to. Moreover I feared that in giving them I should be obliged to approach so close to Lord Charles Somerset to convey (though it would have been most unwillingly and unintentionally) a censure on his conduct, which I have ever wished to avoid bringing officially before Government; it is with Regret therefore that I read the last Paragraph of your letter, and I still hope that so ungracious a Task will not be imposed upon me. It may still be avoided, I think, by my requesting, formally, to be allowed to withdraw my letter to Earl Bathurst, which, in fact, after the reassurance contained in your letter as to his Lordship's general Sentiments is no longer necessary.

I beg to be allowed to wait on you to-morrow with my further Explanation in writing, as well as to have the pleasure of thanking you, personally, for the obliging manner in which your letter of yesterday is written. I have &c.

(Signed) R. S. DONKIN.

[Original.]

*Letter from SIR RUFANE SHAWE DONKIN to
ROBERT WILMOT HORTON, ESQRE.*

89, Pall Mall, June 23rd 1823.

SIR,—If in the letter I had the honour of addressing to you from Rome on the 20th of March last, I did not enter so fully as recent circumstances now induce me to do into the points adverted to in your despatch of the 30th December 1822, it was because I was discouraged from so doing by three considerations: first, because I was apprehensive that such a detailed and analytical reply might possibly have the appearance of entering into a contentious discussion with Earl Bathurst, which would not only have been highly improper, but contrary to that feeling of respect I personally entertain towards his Lordship; secondly, because I was unwilling to impose upon your department, occupied as it is with more important concerns, the irksome task of going into a long detail of personal explanation; and lastly, because I did not see how I could do myself justice without running so close to Lord Charles Somerset as almost to have the appearance of censuring him, which, of all things, I have ever wished to avoid. My sole aim and object have been, and still are, to preserve the good opinion, which I had flattered myself I had obtained, of Earl Bathurst, but never upon any account to attack another with whom I have had so little personal acquaintance and concern; whose habits, views and character are so entirely dissimilar from my own as to render the discussion of any common subject between us very undesirable; and with whom I neither have, nor wish to have, any thing to do, further than may be necessary for my own justification.

The first thing that struck me on reading your despatch was, that it must have originated in, and taken its general tone from causes of greater magnitude than those alluded to in it; for feeling within myself the strongest consciousness that the points alluded to were such as could be explained or answered, my mind dwelt on the more painful and serious impression, that your despatch conveyed to me an intimation that Earl Bathurst's sentiments towards me had undergone a total

change. You have re-assured me, in some degree, on this most material subject ; and I will now beg leave to proceed in my explanation, in reply to your despatch of the 30th December 1822.

I need say but little on the grant near the custom-house to Colonel Bird, as the matter has been referred to the Commissioners ; but in justice to that very honourable and deserving public servant, I must say that my conviction is, that if he could have seen or believed that in any way the grant could have been prejudicial to the public, he would himself have set me right and rejected it.

The next passage in your despatch says, that "in theory I had the power to reverse, instantly, every reverseable act of the administration of former governors, but that such a summary and unexplained way of proceeding would itself have been checked and reversed by a superior power—the Government at home."

Although this is put chiefly by way of elucidation, I feel sensibly such a proposition even in that way ; for the whole of my conduct was marked (so at least I had flattered myself) by the most scrupulous adherence to the principle, *not* to reverse, or even interfere, with any one act or measure of Lord Charles Somerset's, where I could possibly avoid it ; and I look back in vain for any instances in which I have deviated from it ; and never was a declaration made with more perfect sincerity, nor acted upon, as I thought, in more entire good faith, where I could act on it, than that to which you refer lower down in your despatch, and which I made to Earl Bathurst in my first communication to his Lordship ; viz. "that it was my intention to carry on the government on Lord C. Somerset's system," and I never lost sight of the declaration as a general rule, wherever I could abide by it.

I further beg leave to refer to my strong disclaimer of all desire after innovation in my letter to Lord Bathurst of November 9th 1822, which was written before your despatch of the 30th of December, and must have therefore been made in perfect sincerity, as announcing a fixed principle of original action, and not in reply to any thing coming from Lord Bathurst ; indeed I beg leave to recal to

his Lordship's notice the whole of my letter above cited ; yet your despatch of the 30th of December reminds me of the promise I had made to go on in Lord C. Somerset's system, which made it impossible for Lord Bathurst not to suppose that I should continue to administer the government in all its branches, with reference to the authority which was at no distant period to be resumed ; a sentence which seems to reproach me with a breach of that promise ; and the whole context seems to imply, that an impression had been made on Lord Bathurst that my leading principle was to overthrow Lord C. Somerset's system : an opinion with which, however strongly Lord C. Somerset may himself be impressed, I was in hopes that the general tenor of my conduct must have excluded from Lord Bathurst's mind.

I shall now beg leave to point out the particular cases in which I found myself obliged to depart from Lord C. Somerset's mode of government ; and although I was aware, as is so clearly stated in your despatch, that I was not precluded "by my expressed approbation of the principles on which Lord C. Somerset's administration had been conducted, from offering any remonstrances against his proceedings to the Secretary of State," I felt all along the same reluctance which I now feel to make any animadversions on his conduct, a feeling which pervaded also my whole private life at the Cape ; for from the very outset I checked all remarks concerning him or his government, and on more than one occasion I reminded persons who were overstepping that line, that I was there not as a censor on the conduct of another, but to take care that my own should be without reproach ; and I appeal to all the despatches I ever addressed to Lord Bathurst in proof of my most scrupulous avoidance of all, even implied, animadversion on Lord Charles Somerset ; in fact, from first to last, down to this hour, my study has been to avoid all collision or comparison with him.

My *first* departure from the system I found established was to put a stop to what appeared an excessive quarterly expenditure at the government house, under the title of Repairs for Furniture and other Contingencies, into which were introduced as public charges many items which I thought improper. I stopped all this, and put matters on such a footing as reduced

the quarterly charge (as well as I can now recollect) four fifths in its amount.

The amount of our account from 1818 to 1821 may be easily compared in the Audit Office here. This enraged the tradesmen and others who had lived on this sort of plunder ; and they, and certain others who encouraged them, made the place resound with their complaints, which no doubt were conveyed to Lord Charles Somerset in England, and represented as a censure on him.

My next departure was, in putting down a system of espionage and tale-bearing about the government house, to which I could not stoop, and which I found operating in the most injurious manner on the society of the colony. I announced at once that I would hear no tales, nor receive any tale-bearers ; that if any man had any thing to say of another in office under me, he must bring it forward openly and officially, and that no man should be screened by the hand of power if he did wrong. This determination was very mortifying to many who were disposed to make themselves useful in that way ; and their complaints were loud when they found my doors shut against them ; but I had the satisfaction of seeing the confidence of the inhabitants established, both in regard to one another and myself.

The next change I made, and an important one it was certainly, was in the mode of promulgating the decrees of the court of Appeal. It had been the practice of the Governor to settle all the appeal cases in his private room, with the secretary of that court ; and the secretary then wrote to the suitors announcing the sentence. This way of doing the business of that most important and delicate tribunal had given rise to surmises and expressions of doubt as to the mode in which decisions there were brought about, which were highly injurious to the character of that court. I must here stop to declare distinctly, that I never found the least trace which could justify such doubts and surmises ; and I bear a willing testimony in favour of the secretary, Mr. Rowles ; but as the appearance of secrecy and mystery resulting from the closeting up of *two* persons only, in a court where nothing ought to be secret or mysterious, was injurious to it in public opinion, I adopted the practice of pronouncing my decrees myself, in open court,

from notes written with my own hand on the backs of the several cases, all of which I carefully perused, and this practice gave the greatest satisfaction to the colony. It threw, certainly, on myself the *whole* responsibility of the decisions, which responsibility I might at least have shared with the secretary had I adhered to the old practice of deciding in private ; but this responsibility I willingly took. The character of my court was the only thing I thought of ; and the result was an entire confidence, on the part of the colony, in the court of Appeal, of which I had so many proofs. I shall mention only one : that given by Mr. Shortt, whose case has been before Lord Bathurst.

The day after I was out of office Mr. Shortt called upon me : I did not recollect him, and he announced himself as Mr. Shortt, and went on to say that he was the person whom I had ruined some months before by my decision in the court of Appeal. This seemed a prelude to abuse ; and as I made it a rule to hear every body patiently, I begged Mr. Shortt to sit down, that he might say what he had to say at his ease ; this he declined, but went on thus :—

“ Now you are out of office, Sir, I may venture to tell you what I think of your decree, and your mode of conducting the court of Appeal. I cannot now be suspected of flattery ; and although I am ruined by your decision, I am come to discharge a duty I owe to my conscience, by telling you that I feel certain that your decision was founded on what, to you, appeared just and conclusive reasoning, although I cannot see what it was ; and you have acquired, Sir, for your Appeal Court, the most unbounded confidence of this whole colony : ” after which he retired.

Fourthly.—On the frontier I was obliged of necessity to depart from Lord Charles Somerset's plans ; I had not money to carry on the system of fortification and building he had commenced, to omit other reasons ; on which subject I wrote fully to Lord Bathurst. I moreover, as an act of courtesy, wrote to Lord Charles Somerset, explaining my views and reasons ; but this gave him the greatest offence I am told ; and buildings and fortifications for which I had not funds, and which I could not bring myself to think necessary, are now going on again.

Fifthly.—I found the beautiful and extensive gardens round the government house ploughed up in many parts, and sown with oats for Lord Charles Somerset's horses ; this gave great offence to the Dutch. This garden is the pride of Cape Town, and the only place of resort for the people. I discontinued the ploughing and sowing, and restored the garden to its former beauty, to the delight of the inhabitants. This was represented to Lord Charles Somerset as an attempt at popularity at his expense.

Sixthly.—I made it a rule to see all persons who had business with me at the government house, and not to refer them, without a hearing, to the Colonial Office. This was represented to Lord Charles Somerset, not only as a tacit reproof to him, but as an overthrowing of the usual mode of doing business.

Seventhly.—The merchants of Cape Town had easy access to me, not only at my table, but their own concerns ; I attended much to their interests. I established a Mariott's code of signals above Table Bay, by which they could communicate with their shipping in the offing, where they were sometimes detained by contrary winds for several days together ; this was a matter of great importance. I was also constructing a light-house at their desire, and at the earnest request of all the commanders of vessels trading to Table Bay, as well as under a formal and strong recommendatory report from competent naval officers and surveyors, in which His Majesty's naval commissioner fully concurred. The completion of this light-house is an object of vital importance, and will prevent numberless wrecks in that difficult and often dangerous bay. All this was warmly acknowledged by the merchants in an address they presented to me *after* I was out of office ; but was represented to Lord Charles Somerset as an invidious departure from that system of awe and distance at which he had kept the merchants, which might perhaps accord very well with his high birth, but which would have been most ridiculous in me had I even been so disposed.

Eighthly.—Although the departure from Lord C. Somerset's system, of which I am about to speak, does not fall strictly within Earl Bathurst's department, it was one which gave great offence to Lord Charles Somerset, and was represented, I am told, by him as a reflection on his military proceedings.

I found the whole military system extremely relaxed, and it became my duty immediately to re-establish discipline. One cause of this relaxation I found at once, as far as the private soldiers were concerned, in the great number of them who were employed about the government house, on the farm at Newlands, and elsewhere, in agricultural or menial offices, and who were chiefly covered in the military returns as in "public employ," or the "barrack department." My first general orders went to remedy this; I meant no reflection or censure on Lord C. Somerset. I made no allusion to him; but that only my own military habits and feelings would not allow me to continue this mode of employing the King's troops, particularly when they were so much wanted elsewhere for military duties; but the whole was, according to my construction of them, contrary to His Majesty's regulations. I made the men join their several corps, and put the duties of the garrison on such a footing as to enable the soldiers to perform them with ease and cheerfulness, instead of with great fatigue and complainings of the severity of their guard-mountings, from such drafts having been made in the above manner from the efficient strength.

Ninthly.—I left the gentlemen on the race-course to make their own matches, without interposing my personal authority in those matters, and which no man would have dared to oppose. I simply gave my plate, and never possessed nor entered a horse of my own. This mode of proceeding was very agreeable to the inhabitants, who said, it reminded them of Sir John Cradock's days, but was represented to England as a direct satire on the absent Governor. How it could be so construed it is not easy to say, nor did I ever inquire.

To the above heads may be traced, I apprehend, the strong feeling entertained by Lord Charles Somerset, and the complaints he has made that I had overturned his system and reversed all his measures.

I am not aware of any other changes or deviations from Lord Charles Somerset's system on my part; and I respectfully submit to Earl Bathurst that it would have been highly invidious in me to have addressed his Lordship on any one of these changes.

I made them *sub silentio*, and never expected to be charged with a subversion of Lord C. Somerset's system by him, because I did not go, and could not go all the lengths he did on certain points foreign to my own habits and character.

I have stated the foregoing particulars not in accusation, nor even in blame, but in answer and in defence.

I left all the details of the Colonial Office just as I found them ; I adhered most closely to all the established forms of carrying on the government. I do not know of one from which I deviated. I left the colonial secretary, Colonel Bird, in full possession of all his official authority as I found it, and I had reason to be satisfied with the able and honourable manner in which he seconded me throughout. I also consulted him in all financial matters, knowing his integrity and ability. I gave to the several courts of law my best support, as was distinctly acknowledged by the Chief Justice in his address to me *after* I was out of office ; but which address, as well as one from the merchants, Lord Charles Somerset positively refused to admit into the Cape Gazette, although I wrote officially to the colonial secretary on the subject ; but this I never mentioned to Lord Bathurst before, as I have always wished to avoid all complaint and discussion about Lord C. Somerset as much as possible.

As I have alluded to these addresses, I take the liberty of enclosing copies of them, as by them you will see how little the sentiments of Lord C. Somerset accord, in my regard, with those of the most dignified, most honourable, and most respectable part of the colony. In short, I look round in vain for those deviations (which seem to have been imputed to me) from an established system ; yet I have been given to understand from no doubtful source that Lord C. Somerset has been loud in his complaints that I had overturned every thing, ruined the colony, and left him an almost endless labour to remedy the mischiefs of my two years' mal-administration ; and if these be his opinions and feelings on this head, they have no doubt been strongly enforced by him on Earl Bathurst's mind, and every isolated act of my administration brought to bear, if possible, on that point, and coloured by the same hand which wrote the "Remarks" to which I am now replying.

I now come to the specific point of my having granted

lands as a remuneration for public services, as referred to by you.

It would, indeed, have been a monstrous piece of arrogance and presumption in me, if I had gone to any extent on a *general principle* of redressing wrongs, and bestowing rewards on persons whom Lord Charles Somerset had overlooked ; but I thought I might fairly assume, where a case of public service was made out clearly, and the applicant for more land showed me that he had the means of improving it, that Lord Charles Somerset had either not had the case before him, or that the impulse given by the settlers had made land more an object of solicitation than it had been in Lord Charles Somerset's time, and that with all the circumstances so before me, I was only doing that which Lord C. Somerset would himself have done had he been there ; but I am hurt at the bare supposition that I was setting myself up as the redresser of wrongs, and thereby, by inference, accusing my predecessor of neglect of his duty ; and although private character and the general tenor of a man's proceedings will not overturn adduced facts, yet, when motives such as I allude to are contemplated, I think I may fairly appeal to my private character, and likewise to my general proceedings at the Cape in refutation ; as well as protest, as I now most earnestly do, against my being supposed even to have been actuated by any such views or intentions. The fact is, I find on reference to my answer to the "Remarks," that I have introduced too vaguely the granting of lands for "public services." I was at a distance (in Scotland) from every document, and I took that general mode, too loosely, of explaining what I well knew in my own mind could have been justified could I have got at all the particulars. Where cases were made out, and many such were made out, of individuals having a claim on the government for pecuniary compensation, or an increase of salary, it became every way desirable to satisfy such claims by a grant of land, instead of drawing on the colonial treasury, which was not only spared thereby, but the agriculture of the colony promoted ; but I shall be very glad, should not this explanation be deemed satisfactory to Earl Bathurst, to have every grant made by me as a reward for public services inquired into and reported on on the spot, on its own merits, provided it be done by impartial

persons, and I feel confident that the result will be satisfactory to his Lordship.

The next point in your despatch is my neglect of obtaining the landdrost's report. It is impossible not to acknowledge and bow to the general reasoning you have gone into on the mischiefs which would result if the principle which I had laid down, viz. "that of acting from my own personal knowledge; &c." were carried to any extent. I stated this much too strongly and vaguely, and I took on myself thereby a responsibility which in reality did not belong to me. The truth is, the neglect lay with the colonial officers, whose duty it was to place before me *all* the papers connected with every grant, when my signature was called for. I did not wish to throw blame on gentlemen who had acted honourably and well under me for two years; particularly on Mr. D'Escury, the inspector of lands and woods, whose peculiar province it was to see that all the papers and formalities were in order. How the landdrost's reports came to be overlooked in those cases I cannot imagine. It could not have been from design or from any sinister motive. In some cases, where I really did decide from personal knowledge and inspection, as I have stated, it may have been when there was no landdrost within many days journey; but I have no doubt but Colonel Bird and Mr. D'Escury can satisfactorily explain why that document was omitted in most, and probably all the cases; a document so easily obtained too, except just at the moment of locating the settlers, and on the frontier, that of all the formalities I most wonder at its omission; but I beg leave to repeat my former observation, that this single omission is characterized in the "Remarks" sent from the Cape as a neglect, and setting aside of "*all*" the colonial regulations for granting lands! When such an assertion is made, I respectfully submit that it shows the *animus* with which the paper was drawn up; but I have still stronger proofs of the temper and view with which these remarks were made. Since my return from the Continent, I have received a letter from Mr. D'Escury, the inspector of lands and woods, expressing his hope that I will not for a moment suppose that he was aiding in drawing up the "Remarks" in question. When he first got notice that such a plan was in agitation, he used his utmost endeavours to

prevent it, from knowing the principles which actuated me in all my arrangements about government lands ; and when he found that all his efforts were in vain, he drew, as he says, a "triple bar" after the numeral list he had been obliged to make out, to mark distinctly that the "Remarks" beyond it *were not from him !*

Here, then, is the official guardian of the government lands opposing by all the means in his power the attack made on my grants, because he knew that they were all pure and perfectly justifiable ; and he then writes to me to express his hope that I will not do him the injustice to believe that he could have lent himself to such an undertaking !

I submit to Lord Bathurst that the fact alone of this public officer refusing to lend himself to the drawing up of an attack on my grants of land, even at the request of the Governor on the spot, is of itself convincing proof that there was nothing improper in those grants.

Of Mr. D'Escury's integrity I have had occasion to speak fully in my answers to those "Remarks," and this I did too when I was under the persuasion that he *had* lent himself to the work which I since find he so honestly and manfully declined ; but this impression on my mind did not prevent my doing justice to him ; for had he ever yielded to the dread of instant power, as I supposed he had, it would not have obliterated from my mind his upright and independent conduct all the while he acted under me. Had I attempted to make an improper grant of land, both he and Colonel Bird would have remonstrated, and the slightest remonstrance from either of these honest and meritorious public servants would have stopped me at once.

In regard to the last paragraph of your despatch, relative to my not having reported my grants conformably with the orders of the Secretary of State of February 18th, 1814, I have only to say (as I stated in my letter from Rome), that I really believe the practice had fallen into disuse. I never saw the least trace of it. Had I, I should at once have seized so desirable an opportunity of getting a sanction from Lord Bathurst, which I am sure I should at once have obtained on his Lordship's seeing the real grounds on which I was acting

at the time, and which sanction would have so completely covered me from all responsibility. To neglect arming myself with such a shield as that when it might have been certainly obtained by a simple statement of facts at the moment (for I know that all was fair, open and justifiable), may look like a wanton exposure of myself; but, in the first place, I never could contemplate such an attack as has been made upon me from a quarter where, at the time, I had no reason to suspect the slightest hostility; and, moreover, I always felt the greatest reluctance to encumber your office with unnecessary correspondence.

I had no need of concealment or silence; but after all, if there existed any habitual and technical mode of making such reports, it was the duty of the colonial secretary to have laid them periodically before me for signature; and his known and scrupulous accuracy is such, that his not having done so fortifies me in the opinion that the practice had fallen into disuse before my time, which I flatter myself a reference to the papers in your office will prove to be the case.

I have now brought this long and fatiguing detail to a close; but this encroachment on Earl Bathurst's time has not been of my seeking. My sole objects have been peace and quiet, and the conservation of Lord Bathurst's good opinion, which I will not lose while I have the means of showing that I do not deserve to lose it. I have been goaded and penned up in a corner by Lord Charles Somerset, who has allowed himself to be kept in a state of violent and blind irritation by a set of persons by whom he is unhappily surrounded, who have done infinite mischief to him personally, and to the colony at large. But with Lord Charles Somerset and his proceedings I wish to have no concern; and I again beg leave distinctly to assure Earl Bathurst, that in no one instance, either at the Cape of Good Hope or since my return to England, have I done any thing with a view to disparage Lord C. Somerset's administration by bringing mine in contrast with it. If others have done so, they have received no encouragement from me. I feel that I have no need to pull down another to raise myself; but that the *whole* of my conduct at the Cape of Good Hope can and will stand on its own merits unsullied and proof against all attack; and I cannot too strongly repeat that my

only object in this paper, as well as in every other communication of mine connected with this subject, has been *self defence*.

I have &c.

(Signed) R. S. DONKIN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 24 June 1823.

MY LORD,—With reference to the Instructions which I had the honor to convey to Your Lordship on the 9th of May 1815 respecting annual Returns of Grants and Leases made under Your Lordship's Authority; I have now to desire Your Lordship would be pleased to give the necessary directions that a General Return should be prepared shewing the several Grants Your Lordship has found it adviseable to make, and the probable extent of new ground brought into cultivation during Your Lordship's administration of the Government of the Cape of Good Hope; and I have at the same time to request Your Lordship would cause Annual Returns to be regularly forwarded to this Department according to the tenor of the Instructions above referred to. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 24 June 1823.

MY LORD,—I have had the honour to receive Your Lordship's despatch No. 31 of the 7th of January last recommending that an Encrease should be made in the Salary attached to the Office of Assistant Colonial Secretary in order that Gentlemen properly qualified to fill that Situation may be induced to remain in it instead of looking from the inadequacy of the present salary, for other appointments of more ample remuneration.

ration, and Your Lordship at the same time recommends that the Salary of the Sequestrator should also be augmented upon the demise or Resignation of the person at present doing the duty of that office.

With every disposition to pay attention to Your Lordship's recommendation that such arrangements should be made, it has appeared to me more adviseable with reference to Objects connected with the Commission of Enquiry, to postpone a decision on these points until a General Investigation has taken place with regard to the several Offices of the Colonial Establishment, and in the mean time I have only to apprise Your Lordship that the subject of Your Despatch will be specially referred to the Commissioners with directions to give full attention to Your Suggestions as regards the Salaries attached to the Offices in Question, and particularly to the principle on which Your Lordship has recommended an Encrease in that of the Assistant Colonial Secretary.

The Commissioners will in pursuance of their General Instructions also report upon the expediency of raising the Salary of the 1st Assistant in the Fiscal's Department as recommended in Your Lordship's Despatch of the 1st of March last. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF ENQUIRY.

COLONIAL OFFICE, LONDON, 24 June 1823.

GENTLEMEN,—Lord Charles Somerset having recommended that the Salary of the Assistant Colonial Secretary of the Cape Government should be raised from 3000 to 5000 Rixdollars per Annum and eventually encreased to 7000, and at the same time urged the necessity of an augmentation to this extent in order that Gentlemen properly qualified to discharge the duties of that office might be induced to remain in it, instead of looking to other appointments of more ample remuneration, I have to desire you would give your full attention to this Subject and report to me your opinion as well upon the

amount to which it has been proposed to extend the Emoluments of the Assistant Colonial Secretary, as upon the ground on which Lord Charles has considered it necessary to recommend the augmentation for favourable Consideration.

I have further to desire you would also direct your attention to the amount of Salary at present attached to the office of Sequestrator which Lord Charles has recommended, should upon a vacancy occurring, be encreased from 4000 to 6000 Rixdollars per annum.

The inadequacy of the Salary of the 1st Assistant in the Fiscal's Department has also been the Subject of a Representation from his Lordship, and he has recommended that it should be raised to 2000 Rixdollars per Annum. I am &c.

(Signed) BATHURST.

[Original.]

*Letter from SIR RUFANE DONKIN to R. WILMOT
HORTON, ESQRE.*

89 Pall Mall, June 24, 1823.

DEAR SIR,—With this I transmit my detailed Explanation concerning the Grants of land &c. I only wish I could have made it shorter and have prepared it sooner; but I am here without help, and I have not only to write my own papers, but to copy them myself. I conscientiously believe that I have detailed *most* of the leading causes which have excited Lord C. Somerset's unquenchable and troublesome animosity against me, and his loud cries that I have overturned everything. I would fain avoid an open, and indeed any conflict with him.

I am exceedingly anxious to have the honor of seeing you on *my own account*, but I wish to obtain the interposition of a protecting hand to save the Woods of Newlands, which are about to be sacrificed *for ever* to a temporary purpose, to the spoiling of the Country Residence of all future Governors, and if my accounts be true no time is to be lost. I have &c.

(Signed) R. S. DONKIN.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 25 June 1823.

MY LORD,—I transmit to Your Lordship herewith the copy of an Address which has been forwarded to me on the part of the principal Settlers in the district of Albany, and adverting to the Statements therein made, I feel confident I could not adopt a Measure more satisfactory to Your Lordship than that of bringing without loss of time the Subject under Your Notice; and at the same time suggesting to Your Lordship to confer with the Commissioners of Enquiry whose General Instructions require them to make particular Enquiry into the Circumstances of the New Settlement, and to whom I have in consequence referred a Copy of the Address, with the Instructions contained in the accompanying Letter.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF ENQUIRY.

COLONIAL OFFICE, LONDON, 25th June 1823.

GENTLEMEN,—Adverting to that part of your general Instructions by which you are required after your arrival at the Cape of Good Hope “particularly to inquire into the circumstances connected with the Settlement lately formed, and the probability of their success and advancement,” I transmit to you herewith the Copy of an Address which has been forwarded to me on the part of the principal Settlers in the District of Albany; and I have at the same time to desire you would direct your early attention to this Statement, and report to me your opinion thereon; always taking care on this as on other occasions of similar investigations, to communicate unreservedly with the Governor, and to obtain the most ample explanation with respect to the policy which has dictated the measure. I am &c.

(Signed) BATHURST.

[Original.]

Memorial of MR. WILLIAM PARKER.

To the Right Honourable the Earl Bathurst, His Majesty's
Principal Secretary of State for the Colonies.

The Memorial of William Parker sheweth—

That your memorialist was induced in 1820 to take a body of Emigrants from Ireland to the Cape of Good Hope under the Sanction of His Majesty and with the partial aid of the Parliamentary Grant in that year.

2. That your Memorialist took his large family with him and expended a considerable sum of money and his whole time in order to promote the Success of an enterprize so important to the publick and to the private families embarked, as well as to himself in respect to the land to have been appor-tioned to him.

3. That all the exertions of your Memorialist have actually failed, without his negligence or any other fault of his, and instead of meeting with those advantages which the ordinary course of colonial arrangements would have secured to him, his waste of time has been irreparable and his loss of money very great.

4. That your Memorialist has upon publick grounds principally laid before your Lordship and Parliament various statements tending to explain the causes of the failure of the aforesaid enterprize, whereby the publick service and your Memorialist have been so greatly injured, and upon publick grounds he will continue to hold himself ready to support by all the testimony within his power such inquiries as may be thought beneficial to the colony.

5. That your memorialist pursuant to the requisition contained in a letter sent to him from the Colonial Department, dated the 21st Inst., is now preparing certain documents to be presented to your Lordship, with reference to the statements he has made on former occasions; but part of the evidence is only to be obtained by Witnesses being officially called upon, and as to the other parts of the evidence Your Memorialist's private circumstances deeply aggravated by

the present calamitous state of Ireland prevent his incurring the expense of procuring it.

6. Your Memorialist is not now in a Situation to carry his exertions further than to produce his papers and to name the parties capable of bearing testimony to the truth, or incorrectness of his averment. He is however allowed by a very high authority to state that the documents which he possesses carry with them "prima facie" evidence of the Soundness of his charges.

7. That your Memorialist being incapacitated by insurmountable pecuniary difficulties and from the nature of the case from doing more than this, he feels it necessary to throw himself on the humane consideration of your Lordship with regard to the hardship of his Situation.

8. That your memorialist cannot but admit that all the heads of parties are more or less entitled to consideration, but that there are very peculiar reasons connected with your memorialist's claims which make him appeal to your Lordship with the hope of immediate relief.

9. That his loss in his outfit and expenditure in the Colony amounts to £3,000 sterling, besides his and family's expenses in London since the 8th December last, and of this Sum Memorialist is indebted full £1,500 for the payment of which he is now severely pressed and which the ruinous state of all Irish property disenables him to provide for.

10. That your Memorialist thus circumstanced cannot but as a husband and the father of Six children humbly appeal to your Lordship's humanity and submit that having acted a constitutional part in defence of those interests dearest to Britons, your Lordship will not permit him to be reduced to a most abject state of poverty because he was firm and fearless in great difficulties.

That your Memorialist whenever Your Lordship pleases will be ready to come forward to substantiate his former allegations or even to return to the Cape, if enabled to do so under the auspices of your Lordship.

Your Memorialist therefore submits all these facts to your gracious consideration.

(Signed) WM. PARKER.

No. 10, ADAM STREET, ADELPHI, *June 26th* 1823.

[Copy.]

Charges preferred by MR. WILLIAM PARKER against LIEUTENANT-COLONEL BIRD, Colonial Secretary at the Cape of Good Hope.

In Mr. Parker's first interview with Col. Bird, being asked by him why he did not bring a Roman Catholic Priest with his Settlers from Ireland, Mr. Parker declared his antipathy to the practices and conduct of the Roman Priesthood, which being offensive to Col. Bird he was persecuted in the manner hereafter set forth.

1st. That Sir Benjamin Bloomfield having written to him (Mr. Parker) that he had received an assurance from Mr. Goulburn late Under Secretary of State that Lord Bathurst had promised that instructions should be sent to have Mr. Parker and his party located at the Knysna and that every other possible favour should be shewn to him in obedience to His Majesty's Commands. On stating these facts to Col. Bird, he denied that any such Instructions were sent from the Colonial Department to the local Government at the Cape, and notwithstanding the documents he shewed Col. Bird, the Secretary denied his cognizance of the Royal Recommendation, and even insinuated that the Documents were surreptitious.

2nd. That Mr. Parker as set forth in his Memorial to Earl Bathurst of 29th September 1820 which he confirms on Oath sustained numerous misfortunes from having given offence as aforesaid to the Colonial Secretary, and of these the following are stated in the said Memorial :—

2 (a). That the Secretary (Col. Bird) informed him that the rich and fertile District of Clan William was selected for the locations of his Settlers, on Lands at or near the Sub Drostdy in Jan Dissels Valley, and that they were not more than 85 Miles from Saldanha Bay. That the Colonial Government was most particular in this selection as they wished from the very strong testimonials that Mr. Parker possessed to render him every favor. That this description of the Lands in question was directly opposed to the opinion of Mr. Buissinne and Mr. Van Ryneveld deputed to inspect and report on them, and to that of Mr. Bergh the Deputy Landdrost, and that

they all agreed with Mr. Parker that the disposable Lands near the Subdrostdy were only calculated for the support of ten families at most.

2 (b). That Lt.-Col. Bird stated in a Letter of the 27th May, that it was not practicable to locate Mr. Parker's party or any portion of it at Saldanha Bay, altho' Sir Rufane Donkin by Mr. Ellis' Letter of the 27th July offered to him some of the Lands on the Oostwal (the East side of the Bay) for the purpose of erecting stores.

2 (c). That Colonel Bird wrote to Mr. Bergh the deputy Landdrost most severely censuring him for misleading Mr. Parker about the Land designed for his Location, and expressing an opinion that by doing so Mr. Bergh was an enemy to the Government.

2 (d). That Mr. Parker was deprived in an insidious manner of his Land and House at the Klyn Valley in the Sub Drostdy of Clan William in favor of a Settler of his party named Woodcock, and that other Lands were offered him by Mr. Bergh which he refused. That he complained of all these evils and injuries to the Acting Governor Sir Rufane Donkin, but never succeeded in obtaining any inquiry into them, and he further attributed them to his having given offence to the Colonial Secretary.

3rd. That the Revd. N. R. Dennis, Chaplain to the Forces, Acting Colonial Chaplain, stated that the cause of the Colonial Secretary absenting himself from a meeting held for the Establishment of a Bible Society was his being considered a Roman Catholic, that he never attended the Protestant Service, or received the Communion agreeable to Law, that on Mr. Parker's representing the insidious persecution he had received Mr. Dennis was forcibly struck with a conversation he had had with Col. Bird respecting Popish Priests, that he was convinced that Col. Bird's being a Papist was the cause of the treatment Mr. Parker had experienced, that Mr. Dennis corroborated these statements in presence of Lord Charles Somerset in December 1821.

4th. That for the purpose of irritating the weak mind of Sir Rufane Donkin Col. Bird did palpably misinterpret Mr. Parker's letter of 29th September 1820 to Earl Bathurst in causing it to be believed that Deponent had stated that an

officer of Rank with whom Deponent was on terms of intimacy was one among other persons therein mentioned inimical to the Government although no such passage was contained in the Letter.

5th. That Deponent had the best authority for asserting that Col. Bird never took the Oaths of qualification for his Office.

6th. That Col. Bird did most unjustly, and iniquitously obtain Grants of Public Land, particularly at Houts Bay, and of a valuable building allotment at Cape Town for his own use, while Deponent was tauntingly denied the rights of a Settler or any recognition of the King's most gracious disposition towards him.

7th. That through liberal remittances made by Col. Bird from the Cape of Good Hope to his Brother the Revd. John Bird the Jesuit Priest at Preston, and to his sister Miss Bird who conducted a Nunnery or Convent at Taunton in Somersetshire, this and the Jesuit Establishment at Stoneyhurst have largely prospered.

8th. That Col. Bird usurped the Government of the Colony and completely ruled Sir Rufane Donkin during his administration at the Cape.

9th. That Col. Bird has hatched a conspiracy for supplanting protestantism by popery, in support of which and through his direct influence at the Cape, Roman Catholics were appointed Landdrosts of Districts, Political Commissioners of the Reformed Churches, and Presidents of the Matrimonial Courts, whereby these interests are placed at the mercy and under the control of Papists and Jesuits. That the instances in which appointments of this nature have been made are that of Capt. Charles Trappes a Catholic to be provisional Magistrate of Bathurst, Capt. Jones a Catholic to be Landdrost of Albany, the Landdrost of Swellendam whose father was a Jesuit Priest, and subsequently Capt. Trappes to be Landdrost of Worcester.

10th. In further proof of the conspiracy before mentioned, that during the rule of Sir Rufane Donkin in 1820 ground and a large sum were given by the Government for the erection of a Roman Catholic Chapel, the Priest being endowed with an annual salary, and made Librarian of the Public Library, and

official authorities were named by advertisement in the *Government Gazette* to receive subscriptions for the same object, although there is no church in Cape Town for the numerous English Protestant inhabitants and altho' repeated applications had been made by the English Civilians through the Colonial Chaplain (the Revd. Dr. Jones) with offers of large subscriptions, which plan the Government never countenanced.

The above is the statement of Mr. Wm. Parker's charges against Lieut. Col. Bird, referred to in the letter of the Commissioners of Inquiry addressed to Lt. Col. Bird on the 18th June 1824.

(Signed) JOHN GREGORY, Sec.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 27 June 1823.

MY LORD,—Communications having been made to this office on the part of the Committee of Underwriters in London representing the Advantages which the trade to the Cape of Good Hope would derive if a Light House was erected on a Rock called Noah's Ark in Simon's Bay, and it appearing upon communication with the Admiralty that a Light House in this Situation is also considered by that Department as an object of much importance as regards His Majesty's Naval Service, I have to desire your Lordship would be pleased to cause a Survey of the Spot on which it is proposed to construct such a Building, and at the same time authorize your Lordship to order the erection thereof, if the estimated Expende shall not exceed £500, and your Lordship shall be satisfied that the work will prove of unquestionable Utility to the Colony as well as advantage to His Majesty's Ships on the Cape Station. As however the expence of maintaining a Light after the Building shall have been completed will be considerable, I have also to desire that your Lordship would cause enquiry to be made as to the degree of benefit which the Mercantile Interests of the Colony would derive from the measure contemplated, as

compared with the advantage which would thereby accrue to Ships of War, and you will report to me your opinion with respect to the proportion of the charge which should fairly fall upon the Merchant Shipping.

Your Lordship will likewise call upon the Naval Department at the Cape to state what means are at their disposal that might diminish the expence of erecting the Building, and contribute towards maintaining the light. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 27th June 1823.

SIR,—I am directed by His Excellency the Governor to acknowledge the receipt of your Letter of the 10th Instant reporting that you have communicated to the Settlers who had declined to take the Oath of Allegiance upon their being enrolled in the Albany Levy, the contents of the Letter on that subject from this Office, and requesting permission to remit to such as have since taken the oath, the Penalties imposed by the Proclamation of the 4th October 1822, and to acquaint you that His Excellency approves of the Penalties and costs in these cases being remitted. I have &c.

(Signed) C. BIRD.

[Copy.]

Extract from a Letter from the REVEREND W. R. THOMSON to the COLONIAL SECRETARY.

CHUMIE, 27th June 1823.

It is with concern I have learnt from Col. Scott the murder of one of the Settlers by the Caffers. I sent to Gaika immediately on receiving the information and to-day went to him myself, but have received very little hope that the murderers will be discovered. The chief has very little influence over

the minds of his people, and it is very seldom that they will expose a criminal unless they are personally interested in his delivery. If every other means fail and His Excellency is determined to have the murderers, the only mode which occurs to me as likely to be successful is, the offer of a reward, or a threat accompanied with a show of active vengeance upon the whole Nation.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 28th June 1823.

MY LORD,—I do myself the honour to acknowledge the receipt of Your Lordship's despatch No. 32 of the 17th of January last stating that application had been made to you for payment of Dollars 7000 on account of a Light House which Sir Rufane Donkin had ordered to be erected on Sea Point in Table Bay, and adding that it was probable the Contractor would shortly require the whole Sum for which he engaged to construct the Building, viz., 13,400 Rix Dollars ; and in conveying to Your Lordship an Authority for making disbursements for this Service, I take the opportunity of transmitting to You Copies of a Correspondence which has passed between this Department and the Admiralty relative to the Expediency of such a Building in this Situation, and by which your Lordship will observe that the Lords Commissioners of the Admiralty referred for information to Sir J. Brenton who has expressed an opinion in favour of the Position chosen and considers that a Light at Sea Point would be of great importance to Ships approaching Table Bay during the Night, and that the want of one has occasioned the loss of several valuable Ships. Previously, however, to any further steps being taken with a view of exhibiting a Light at this point, I have to request Your Lordship would consult with the Officer in Command of His Majesty's Ships on the Cape Station, as well as any Individuals resident in the Colony and of acknowledged Experience in naval matters. I have, &c.,

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 30th June 1823.

MY LORD,—I do myself the honor to acknowledge the receipt of Your Lordship's despatch No. 36 of the 28th of February last, transmitting a Memorial from Mr. Matthiessen, in which he prays to be allowed to retire from his Office as Senior Member of the Court of Justice, retaining a part of his present emoluments; and having laid the same before the King, I have much satisfaction in acquainting Your Lordship that His Majesty has been pleased favorably to consider your recommendation in favor of Mr. Matthiessen, and to approve of his retiring upon a pension of 2,000 rix dollars per annum.

The long period of Mr. Matthiessen's service, and high testimony given of his meritorious conduct in discharge of the important duties in which he has been engaged till a very advanced period of life, have procured for him the favorable decision I have announced to Your Lordship; but in order to prevent the expectation that in reforming the Court of Justice and reducing the number of its Members, each of those who may retire will be entitled to the same proportion of their salaries as has been granted to Mr. Matthiessen, I have to request Your Lordship would take care that it is clearly understood Mr. Matthiessen's case has been decided with reference to the special circumstances attending it.

I have, &c.,

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, June 30th 1823.

MY LORD,—I had the Honor to receive Your Lordship's Dispatch (Circular) of the 29th December 1822 on the 2nd Instant, and in obedience to Your Lordship's Directions

have the honor herewith to transmit a Copy of the Royal Instructions under which I am at present acting, with such Observations on the respective Clauses as I have considered necessary to submit for Your Lordship's Consideration.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Comment upon Clause 3 of the King's Instructions to the Governor of the Cape of Good Hope.

30th June 1823.

Upon this Clause it is necessary that some Distinct Explanation should be given as to which class of persons the words "Inhabitants of the said Settlement who may observe any mode of Evangelic worship &c. &c." apply. The conviction on my mind certainly always has been that the exception could not attach to Persons born at, or appointed from, home, but solely to *Colonists* who might be usefully employed in, and who it would be unfair to exclude from the service of the Colonial Government. The present Colonial Secretary (as he asserts) construes these words differently and has offered to take the Canada Oath, but as I do not consider it consistent with these instructions to tender *that* to him, the result has been that he has never been Sworn into office at all.

(Signed) C. H. SOMERSET.

[Copy.]

*Letter from the REVEREND MR. HALBECK to the
COLONIAL SECRETARY.*

GENADENDAL, July 1st 1823.

SIR,—I beg leave hereby to enclose copy of certain Rules which it is supposed are drawn up by the Colonial Medical Inspector, and also translation of a letter from Mr. Leitner to me on the subject.

This paper has given Mr. Leitner a great deal of uneasiness, and excited my astonishment, because none of us was aware that Dr. Barry, though the medical officer of the Leper Institution, was the superior of Mr. Leitner, to whom he must look up for his orders, which the last paragraphs in said Rules evidently presuppose. His Excellency the Governor having kindly permitted Mr. Leitner to address himself to His Lordship whenever he feels himself embarrassed, I am desired by Mr. Leitner to pray that His Excellency may be pleased to cause the relations of Mr. Leitner to the Colonial Medical Inspector to be explained, in order that he may be able to decide whether he ought to continue in a Situation, the difficulties of which he foresaw, but which he ventured to undertake on trial, sacrificing all the comforts of Society, in hopes of contributing something towards the realisation of His Lordship's noble and humane wishes, with regard to the unfortunate Lepers. I have &c.

(Signed) , H. P. HALBECK.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST

CAPE OF GOOD HOPE, 3rd July 1823.

MY LORD,—I have the honor to transmit to Your Lordship Copy of a Letter with Copies of its Enclosures which I have received from Commodore Nourse, commanding His Majesty's Naval force on this Station, on which I beg to be honored with Your Lordship's Commands. I have only to remark that His Majesty's Ship *Leven* anchored in Simon's Bay on the 7th of April last, and that I did not receive the Communication I have now the honor to transmit to Your Lordship until the 18th of June. I have &c.

(Signed) CHARLES HENRY SOMERSET.

The enclosures relate to Delagoa Bay, and are to be seen in Vol. IX Records of South-Eastern Africa.—G. M. T.

[Office Copy.]

Letter from ROBERT WILMOT HORTON, ESQRE., *to*
SIR RUFANE SHAW DONKIN.

DOWNING STREET, 3rd July 1823.

SIR,—I have received your letter of the 23rd ultimo, and am directed by Lord Bathurst to inform you that the passage which you have quoted from my letter of the 30th of December last, was there introduced simply for the purpose of elucidation, as the context clearly shows; and that consequently the observations which you have made with reference to it, “not” (as you say) “in accusation, nor even in blame, but in answer and in defence,” were gratuitous, and in no degree called for by any expression which I had employed, as you may be well assured that if any accusation had been intended to be made, I should have been instructed to have expressed the charge in a clear and direct manner, and not to have left it to be discovered by mere implication.

With respect to the charges which you have more than implied that you are ready to prefer against Lord Charles Somerset, I have to inform you that Lord Bathurst in no degree relaxes from the determination which was expressed to you in my former letter. If however your request, instead of being directed to the point of that letter being returned to you wherein reference was made to the subject in question, had gone to the extent of a distinct retraction of those charges, Lord Bathurst, in that case, would not have thought it necessary to require your production of them; but his Lordship cannot on any account consent to their being withheld if you are not prepared to communicate to him that, upon due consideration, you have retracted them. I have &c.

(Signed) R. W. HORTON.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th July 1823.

MY LORD,—I have the honor to inform your Lordship that I have transmitted to the Lords Commissioners of His Majesty's Treasury by His Majesty's Ship *Menai* the Accounts of this Government for the year 1822. Every exertion was made to prepare these Accounts for transmission within three months of the commencement of the new year, agreeably to Your Lordship's Dispatch of the 9th March 1822, but it was not found practicable from the Minutiæ to which it was necessary to attend to effect it. A considerable time has elapsed since their completion in expectation of the arrival of His Majesty's Ship *Menai* which appeared the safest opportunity which was likely to present itself for transmitting Papers containing Original Vouchers. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th July 1823.

MY LORD,—I have the Honour to acquaint your Lordship that in obedience to His Majesty's Commands communicated to me in Your Lordship's Dispatches Nos. 19 and 20, I transmit herewith the various documents and papers therein called for, viz,

Abstracts of the Revenue and Expenditure of this Government, which exhibit the sources from which the Receipts have been derived together with the total Amount of Expenditure incurred by each Department of this Government, distinguishing the ordinary established Expenditure of the particular offices from their contingent and accidental Expenditure.

A General Return of the Civil Servants of this Government,

embracing the nature of their duties, their emoluments, and length of service in the Colony.

A Schedule of all taxes, duties, and fees levied in the Colony under specific authorities, and all other sources of Revenue.

A return of the Expenditure incurred on account of the Military defence of the Colony.

I trust Your Lordship will find therein the fullest explanation on the various subjects to which my attention was called, and that Your Lordship will be convinced of the impracticability which has existed of collecting this mass of information, in this widely spread Country, in a shorter period of time. I have lamented the delays which have occurred in this compilation, but I am satisfied that every exertion has been made which could be to prepare these documents with the least possible delay. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th July 1823.

MY LORD,—In the Accounts for the year 1822 which have recently been transmitted to the Auditors of Colonial Accounts, there are several items both in the Ordinary and fixed Contingent Expenditure, requiring Your Lordship's particular Sanction in order to complete the respective Vouchers according to the Instructions of my Lords Commissioners of the Treasury. I have the Honor to enclose therefore herewith two Specifick Statements of the Items above alluded to, in which your Lordship will find full explanation given of the reasons which have caused these several Heads of Expenditure, reasons which I make no doubt will be fully satisfactory to your Lordship, and admit your giving the whole your Sanction without hesitation. I am moreover to request your Lordship will do me the favour to communicate your decision hereon to the Auditors of Colonial Accounts. I have &c.

(Signed) CHARLES HENRY SOMERSET.

The only enclosure in the above of any importance now is the following :—

Extracted from a letter of Church Wardens of the Dutch Reformed Church in Cape Town to HIS EXCELLENCY GENERAL LORD CHARLES HENRY SOMERSET, Governor and Commander in Chief, &c., &c., &c.

MY LORD,—The Consistory of the Reformed Church beg leave to represent to Your Excellency, that since the year 1779 and in consequence of the increased number of Members of our Church, three permanent Clergymen have been allowed to this Town, the last vacancy having been filled up, during the administration of Lieut. General Sir Francis Dundas, the Lieutenant Governor of the Colony, in the appointment of the Revd. Mr. Von Manger to succeed the late Revd. Mr. Kuys, and although the Congregation has been much enlarged since the period above mentioned, yet from circumstances they have been deprived for a considerable time of the Services of a third Minister, for whose appointment the Consistory would have thought it a duty to request Government, had they not been convinced of the great difficulty which would have attended a compliance with their application.

But as all the Livings in the Country Districts are now filled, we certainly should be deficient in our duty were we not to listen to the wishes of the Congregation, ardently expressed, to make this representation, the more so &c. &c. . . . and it is for these reasons that the Consistory most humbly request Your Excellency to appoint a third permanent Minister to this Town.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 7th July 1823.

MY LORD,—It having been represented to me by the Officer commanding His Majesty's Navy on this Station that the water had receded so much at Simon's Town as to render it impracticable for Boats to water after half tide, and suggesting

that measures should be taken for remedying this serious inconvenience to His Majesty's Vessels as well as to the Merchant Shipping frequenting that port, I directed the Inspector of Buildings who had superintended the repair of the wharf here in a very workmanlike manner to repair to Simon's Town, examine into this matter and report to me thereon. I have now the honour to enclose Mr. Jones's report and Estimate, and I beg Your Lordship's Sanction to my undertaking this necessary work, receiving from His Majesty's Naval Department such stores and assistance as they may receive authority to afford. Connected herewith is the want of a tank or reservoir at the same Station, an Estimate for which accompanies this, and for the completion of which I have also to request Your Lordship's authority, the Naval Department in this case undertaking to pay one third of the Expence. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CAPE TOWN, 30th June 1823.

SIR,—In compliance with your letter of the 20th instant, I repaired to Simons Town and inspected the State of the present Wharf Both at high and low water mark during the latter period much inconvenience arises from the Boats not being able to approach the Wharf the extending of which fifty Feet would obviate those difficulties in addition to which there requires to be erected on the South Side Some Steps for a landing place Similar to those in Cape Town and also a swinging Jib at the end of the Wharf to land and ship goods during the period of low water.

The practicability of these improvements I pointed out to Commodore Nourse and to be able to form a correct Estimate of the probable expence I requested he would be kind enough to furnish me with the particular of such assistance as he would be able to render to the Colonial Government from the Naval Yard to carry those improvement into Effect, which are as follows,—the timber for piles and framing, the Iron work, sheathing Copper and nuts at prime cost and what hands that could be spared from the Shipping to assist as Labourers at

One shilling per day the Officer to overlook them at One Shilling and Sixpence also the use of the pile driving machine all of which I consider of great advantage and have enabled me to form the Estimate accordingly which will be found Rds. 1315 4 under Mr. Chisholm's Estimate in addition to the above improvement Commodore Nourse desired that I should acquaint you for the consideration of His Excellency the Governor the very great inconvenience there is sustained at Simons Town for want of a reservoir to contain about One Hundred Tons of Water during the long dry Summer Season considering that the Naval Yard Department would be so much benefited by such an improvement they would be entitled to pay at least two thirds of the expence incurred therein I have therefore enclosed an Estimate of the probable Expence as near as it can well be ascertained of which the Colonial Government would have to pay Rds. 965 being one third the whole expence should His Excellency the Governor be pleased to approve of the Same. I have &c.

(Signed) W. JONES, Inspector of Buildings.

C. Bird, Esquire.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to
LIEUTENANT-COLONEL BIRD.*

COLONIAL OFFICE, LONDON, 7 July 1823.

SIR,—I have to acknowledge by Earl Bathurst's direction the receipt of Your Letter of the 8th of January last, stating the Objections which You have considered Yourself bound to urge against the adoption of the measure recommended in Lord Charles Somerset's despatch of the 7th January with regard to an Encrease in the Salary attached to the Office of Assistant Colonial Secretary, and I am directed to acquaint you that Earl Bathurst's decision upon the expediency of the measure in question will be reserved until after the Report of the Commissioners of Enquiry shall have been received.

I am &c.

(Signed) R. WILMOT HORTON.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 7th July 1823.

SIR,—In compliance with the directions of His Excellency the Governor contained in your letter of the 25th September last, I have the honor to transmit a return, agreeably to the Form enclosed by you, of those Petitioners for Land in this District whose Memorials have been referred to me, and to request the instructions of His Excellency for inspecting the Lands asked for.

I have the honor also to transmit a List of those persons who have occupied places in the District of Albany, in consequence of the Government Advertisement of the 18th April 1817, for the inspection and measurement of which I request the authority of His Excellency. I have &c.

(Signed) HARRY RIVERS.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 12th July 1823.

MY LORD,—I have received Earl Bathurst's directions to inform Your Lordship that a letter has been addressed to him by Mr. John Whiskin, enclosing official copies of papers filed in a suit which he carried on before the Court of Appeals at the Cape of Good Hope, and praying that his further appeal from the Sentence then pronounced may be duly prosecuted before His Majesty in Council in a manner that may exonerate him from fees Counsel, as he is entirely without the means of bearing such expences.

The question at issue upon the appeal being exclusively one of private right in which the Crown has no direct or indirect interest, Earl Bathurst is under the necessity of declining to

interfere upon the occasion, and his Lordship requests you would be pleased to direct a communication to this effect to be made to Mr. Whiskin. As, however, it appears that Mr. Whiskin has transmitted his papers to this office under an erroneous impression that His Majesty's Government were in the habit of affording assistance in cases similar to his own, Earl Bathurst caused enquiry to be made at the Office of His Majesty's Most Honorable Privy Council, in order to ascertain how far the practice of the Court of Appeals would admit of Suitors being heard without their appearing by Counsel of their own selection ; and it has been reported to His Lordship in answer that where parties petition the Court to have Counsel assigned them, or in other words, pray to be heard in forma pauperis, it is necessary that their petition should be supported by an affidavit that they are not worth £5 sterling : And if Mr. Whiskin is desirous of adopting such a mode of proceeding, it will be necessary that he should *lose no time* in preparing his petition as above, and in transmitting the same to an Agent in London, upon the chance that his appeal may not, before the arrival of his petition, have been dismissed upon the application of the opposite parties, for non-prosecution within the time limited for entering proceedings under an appeal to His Majesty in Council. I have &c.

(Signed) R. WILMOT HORTON.

[Copy.]

*Sir Rufane Donkin's observations on Mr. W. Parker's
second Paper of Charges against Colonel Bird.*

89 PAUL MALL, July 12, 1823.

Charges 1, 2, and 3. These charges stating Colonel Bird to be a Roman Catholic, and even a Jesuit I am not competent to answer, further than by saying that I never heard a word from his lips, nor saw an act of his life which implied his being of that persuasion. I found Colonel Bird an honorable man, and a good Colonial Secretary, and I never made any sort of enquiry as to what his religious Tenets were. I can

only answer for his not being a Methodist, a subject on which his sentiments and mine quite concurred.

Whether his being a Catholic, supposing the Fact established, would incapacitate him from holding his present office, it is not for me to give an opinion ; but, if I had any idea that it would do so, it would have been an additional motive with me not to pry into his Tenets from the fear that the Colony might lose so valuable a servant.

4th Charge. This procuring for "Capt. C. Trappes a Roman Catholic &c." the appointment of provisional Magistrate at Bathurst &c. It is a pity that Mr. Parker should have such bad information when he thus troubles Earl Bathurst. Col. Bird never interfered in the remotest degree in Capt. Trappes' appointment, it was solely my own doing, and I well recollect Col. Bird throwing cold water, rather, on the appointment. I appointed him because I thought him fit for the situation till I could find a permanent Magistrate, and he fully justified my choice by his conduct. As to Capt. Trappes being a Roman Catholic, I never heard a word of it till I saw it in the paper before me, and as the Fact rests only on Mr. W. Parker's authority, I must be allowed to doubt it. I know nothing of Captain Trappes' Religion or Private History further than that he is descended from Tancred, King of Sicily. This, however, only proves *Descent* from a Catholic ; but this objection might be urged against Mr. Parker himself if he could trace his ancestry up to the same period.

As to Captain Trappes' appointment to Tulbagh &c. &c. it has been done by Lord C. Somerset, since my departure, consequently I can have no concern with that part of Mr. Parker's charge.

5th Charge. Constant opposition to the Erection of an English Church &c. Most certainly Col. Bird never shewed any of this opposition to me. I was myself anxious to have an English Church, and have more than once talked to Colonel Bird of the want of one, but we *both* agreed, and both well knew that the Colonial Treasury was unequal to the Expense. This was the real and sole obstacle to its erection. As to my having given to Col. Bird or to any one the *public* money to build a Roman Catholic Chapel, when I could not find funds

to build one of our own Establishment, Mr. Parker must know and feel that he says that for which he has not the slightest proof. I need hardly inform Lord Bathurst that no money can be taken out of the Colonial Treasury, but under the Governor's Warrant: if any such issue ever was made, the Warrant must be extant.

6th Charge. "*Suppression*" of one of the King's Proclamations &c. I know not what the Proclamation referred to, whether to Police, Trade, or Religion, but I know very well that it was not customary to publish at the Cape the King's Proclamations issued in England, and therefore I dare say the one in Question was never *promulgated*, but this does not imply "*suppressed*."

7th Charge. All this is very obscure, but I suppose it alludes to a Proclamation of Lord C. Somerset's prohibiting certain meetings of Settlers (*V. Cape Gazette*). If this be so, the responsibility rests with the Governor and not with the Secretary. Probably, if in the "Proofs" to this charge we were to read "*Governor*" for "*Garrison*" it might throw some light on the subject, but I submit this Emendation of Mr. Parker's authorship (he writes avowedly for publication) with much diffidence, and with a due sense of the danger of disturbing a M.S.

8th Charge. The Farm of Houts Bay. In another official Paper I have stated to Lord Bathurst my Grounds of this Grant to Colonel Bird, but when it was thrown back into my hands by the Baron Van Hogendorp, I was 700 miles from Colonel Bird, who *never* asked for it. I offered it to him myself; as to placing *Settlers* there, it never would have entered into any Governor's Head so to dispose of that Land. Mr. Parker says that my grant was signed in November 1821 on the *day* Lord C. Somerset arrived in the Colony. However unimportant it may be as to when, if still in authority, I put my name to a Grant ordered by me Months before, Mr. Parker has the curious infelicity of being wrong even in the simple and ascertainable thing, *a Date*! Lord C. Somerset did not land at the Cape in November. He did not land till December.

9th Charge. Placing the Public Library under a Catholic. If Col. Bird really did this, and Mr. Parker be for once correct

in an assertion, I think Col. Bird did perfectly right if Mr. P. Souilly "the Popish Priest" was a fitter and more learned man than Mr. Wallstrand the Calvinist. People go I apprehend to a Library not to ask the Librarian of what Religion he is, but, to request him to give them a Book, to discuss a question of Literature, or, if they talk of Religion at all, it would be about that of the Pontifex Maximus of Ancient Rome, and not of modern.

I apprehend I need say no more of these charges.

(Signed) R. S. DONKIN.

[Copy.]

*Letter from SIR RUFANE SHAW DONKIN to ROBERT
WILMOT HORTON, ESQRE.*

89 PAUL MALL, July 13 1823.

DEAR SIR,—I had the honour of receiving your letter of the 7th Instant only three days ago, and I now beg leave to enclose my observations on Mr. Parker's Statements.

I apprehend that if my observations are connected with the several documents referred to in them, the whole would furnish such a mass of Proof of Mr. Parker's inconsistency and unreasonableness (to use no harsher term) as would satisfy any Gentleman who may hereafter advocate his cause, and preclude all future necessity of any Correspondence from your office on the subject of this person.

I cannot help regretting that Lord Charles Somerset should so entirely have changed his mind as to Mr. Parker, without, as I can discover, any adequate cause, as to take him under his especial, (*sic*) and to send him to England at a loss and expense to the public of above 14,000 Rix Dollars, or about £1,300 Sterling. When I speak of Lord C. Somerset's changing his mind, I allude to two passages, in two of his letters, now before me, addressed to me from England on matters connected with the Cape, in which he speaks of Mr. Parker in terms of the strongest invective and Reprobation, and Mr. Parker, since that period, has not, I apprehend, risen much

in estimation, either public or private, for his proceedings have been towards your department and the authorities at the Cape all of one description, and his private character at the Cape was such as to cause his expulsion from the Merchants' News Room, and every door to be shut against him except that of the Government House.

I do not mean to say that a popular feeling against any man is to involve a Governor in that feeling; but as on the one hand it strikes me that a Governor should not use his Power and Countenance to oppress an individual in compliance with a popular feeling, on the other hand I apprehend that a Governor is not called upon, not only to shew a marked attention to such Individual by frequent and long receptions both in Town and Country, and by receiving copies of all his letters and addresses to persons in England, by which you have been so Tormented, but of even correcting them with his own hand (as Lord C. Somerset has done for Mr. Parker) and then to follow up the whole by transmitting that troublesome person to England at an expense of £1,300 to the Public, some of the items of which are already before you in Mr. D'Escury's papers, altho' he does not notice an advance of 3000 Rds. from the Bank, nor the payment of £250 as passage money for Mr. Parker from the Commissariat. All this appears to me the more strange, as in the official communication to Mr. Parker of the 27th September 1822, the Governor tells him that he had "abandoned his original location" (which is one chief reason why I put his party under other heads), "That he had no absolute claim," That the "Favor shewn him was a very great stretch of His Lordship's authority," That all these "are advantages and considerations which no one but yourself has received from Government," and all this favour is shewn in face of official documents which, I should have supposed, must have proved to Lord C. Somerset that his *original* opinion of Mr. W. Parker was nearer the truth than the very favourable one which he must have since formed, before he would have ventured on such "a very great stretch of authority" and such an expenditure of public money.

I trust you will not think I have gone out of my way in making these Remarks.

They are grown out of the Subject; but I have not ventured

to ascribe a motive for all this ; but were I called upon to do so I should say at once, as everybody at the Cape has said before me (and I have tried in vain to discover any other), that Mr. Parker was sent to England for the express purpose of annoying Colonel Bird and myself. Mr. D'Escury however assigns another motive for getting him out of the Colony in the last sheet of his papers (No. 8) above referred to ; on which I do not venture to give an opinion, although the same cause had been pointed out to me from other Quarters, coupled with some very sarcastic observations of Mr. Parker's on Horse dealing and Gaming in General, which being subjects beyond my abilities and knowledge I do not presume to dwell on. I have &c.

(Signed) R. S. DONKIN.

[Original.]

SIR RUFANE DONKIN'S *Observations on Mr. W. PARKER'S
Charges against COLONEL BIRD.*

89 Pall Mall, July 13, 1823.

1st Charge. This Charge of "Deception," &c. has been answered again and again by the Reports of the Landdrost Mr. Stoll, the Deputy Landdrost of Clanwilliam, and others, the Results of whose Reports have been transmitted to the Secretary of State ; and the "Proof" as Mr. Parker terms it of "Deception" rests on Mr. P.'s bare assertion that Mr. Buissinne "asserted" that the lands assigned to him, Mr. Parker, were adequate to the support of six families only.

I remember the supposed "assertion" being referred to Mr. Buissinne, who declared he had *never asserted* any such thing.

It is to be recollected that Mr. Buissinne is Brother in Law, and the intimate friend of Colonel Bird, against whom Mr. Parker directs this attack. Is it to be supposed that *if* such were really the opinion of Mr. Buissinne, who had been sent down expressly to visit and report on Mr. Parker's location, he would have concealed from me and Colonel Bird his *real*

sentiments, and have whispered them about to Dutch Boors, to the prejudice of his friend and relative ?

It was no object to me or to Colonel Bird to stint Mr. Parker or his Party, it was of no consequence to Colonel Bird whether he had 1000 or 100,000 acres, provided Lord Bathurst's instructions were not exceeded. Had Mr. Buissonne intimated to Colonel Bird the least hint that Mr. Parker's location was inadequate, in one hour he would have laid the case before me, and Mr. Buissonne's opinion would, at once, have been acted on.

I am fatigued at having again to rebut or to refer to a supposed Hostility on the part of Colonel Bird towards this Person. I never saw the slightest Indication of it. Mr. Ellis, the Deputy Colonial Secretary, in a demi-official and friendly letter to Mr. Parker uses the following strong expressions : "As to the alleged discrepancy between Mr. Buissonne's Report and his private opinion, as yet there is no proof of the Fact."

After some other observations from Mr. Ellis as to the line Mr. Parker ought to have followed, he says, "As it is, your mind has been diverted by the supposed possibility of mercantile profit ; and, in the attending exaggerated expectation, the Common Failing of our Nature leads you to look for the cause anywhere but in yourself. I assert with a Confidence which defies contradiction that there has not only been no disposition to thwart your views, individually, but on the contrary, that had you at once taken measures for placing your Party beyond the reach of want or the Influence of disunion the *superiority of your acquirements* and the strength of your private recommendations to this Colony would have obtained for you every possible consideration and assistance, nor, indeed, notwithstanding the Fact of your Correspondence with the Secretary's Office having exhibited a series of demands contrary to Colonial usage and established regulation, can I discover that a single reasonable or practicable facility has been withheld. Your acquaintance with Mr. Adderley induces me to add a recommendation that you should either join the party at Kleine Valley, or abandon your views in this Colony altogether, for I can only anticipate encreased disappointments to yourself, and distress to your family and dependants, by a continuance in your present system of preferring requests impossible to be granted, and awaiting

unavoidable refusals. In the event of your wishing to make use of this letter in any representation which you may make to your friends in England I beg leave to assure you that I can have no possible objection."

(Signed) "H. ELLIS."

But, after all, supposing Mr. Buissinne *really* to have said and thought just as Mr. Parker asserts, what does this prove? That Colonel Bird deceived Mr. Parker? for *this* is the charge preferred against him. No such thing, it proves, if anything, that Mr. Buissinne "*deceived*" Colonel Bird by making him an official Report at variance with his real sentiments, but not that Colonel Bird "*deceived*" Mr. Parker.

It is really difficult to grapple with and bring to Tangibility Mr. Parker's flimsy fallacies.

Here then is the Deputy Colonial Secretary going out of his way, interposing himself between the official Correspondence of the Colonial Secretary and Mr. Parker, to give the latter friendly advice and to correct his errors. Mr. Ellis was quite irresponsible as a public officer in this whole affair, and must be admitted as a conclusive and impartial Evidence on the occasion, leaning, if leaning at all, towards Mr. Parker.

Mr. Goulburn, too, holds pretty much the same language as to the causes of Mr. Parker's failure in his letter to him, dated Downing Street, Feb. 13, 1821, and which I thought must have put an end to all this sort of correspondence.

Sir Jahleel Brenton, likewise, whose name is synonymous with Integrity and Candour, tells him the same thing, in his letter of the 10th of October 1820, which is in Lord Bathurst's office, and which ends with these words: "in returning them" (that is a mass of papers full of abuse, which Sir Jahleel Brenton refused to read) "I will only entreat you *once more* not to act upon such feelings; and I can assure you from my own knowledge that the wishes of the Colonial Government and of Sir Rufane Donkin in particular have been most friendly to you."

Farther, I refer to an Historical and clear detail of the landing, settling, and dissolution of Mr. Parker's party transmitted to Lord Bathurst, and dated Sept. 27, 1820, which must carry conviction with it to every mind but Mr. Parker's,

and which I thought must have set this matter finally at rest.

Mr. Parker concludes what he calls his "Proof" of the first Charge by accusing Col. Bird (in a confusion of his vernacular Idiom which almost defies disentanglement) of "adding a breach of promise on the part of Sir Rufane Donkin to the most culpable ignorance."

The Breach of promise he says Colonel Bird "added" to me, or on me, was my not having visited his Location as I certainly had promised. The answer to this shall be conclusive. I made the promise when on the frontier, from which I returned after locating the Settlers there so fatigued and so ill from an acute disease which attacked me on the Road, that, on my Return, I took to my bed, and was not able to leave my room, still less my House, till after the season for travelling was passed, and when, moreover, my presence at Clanwilliam would have been wholly useless to Mr. Parker from the entire disorganization of his party.

2nd Charge. This Charge, which is so worded as to be scarcely intelligible to me, means, as I collect from the context, that Colonel Bird introduced a sentence into one of Mr. Parker's letters to Earl Bathurst, *after* it had been returned by his Lordship to the Cape for answer or Explanation, and this Interpolation he says was made for the purpose of injuring him, the said Mr. Parker.

It is not for me to point out to the Secretary of State for the Colonies what Line he is to take in investigating so grave a charge against an officer of such trust as the Secretary of a Colony, or whether such officer be entitled to the support of His Majesty's Attorney General; but as Colonel Bird acted under my orders for two years, and I saw nothing but Honor and Integrity in all his Conduct, I will on my own responsibility, undertake to say that such an accusation must be wholly False.

False, from the known and established Character of Col. Bird.

False, from the certainty of Detection. False from the Act imputed being wholly useless, inadequate, and uncalculated to produce the effect intended *on me*, namely, "to prejudice me against" the said Mr. Parker; for, supposing that Colonel Bird had interpolated a passage into Mr. Parker's letter

stating that he, Mr. P., was intimate with an officer of Rank "who was inimical to the Colonial Government, how was this to prejudice *me* against Mr. Parker? Can any common Intellect comprehend this? It might indeed have raised my displeasure against the supposed officer, and I did cause my sentiments to be intimated, hypothetically, to the officer; but not from my Table in the manner or terms which Mr. Parker insinuates, for no man who ever dined at that Table in my time ever *dared* to talk to me on public or official matters. My Table was as dull and formal as a Governor's Table ought to be. One of the first things I did was to put down, peremptorily, all attempts at conveying to me information relative to public officers in the way of Colloquial or private conversation.

As to the mere fact of Interpolation, a reference to Mr. Parker's *original* in Lord Bathurst's office will set this quite at rest.

3rd Charge. The first part of this Charge relates to the land, &c., of Mr. Parker being taken from him. This has been fully explained and accounted for in the Historical detail of 27th Sept. 1820 above referred to, and in my despatch No. 23 of Oct. 30, 1820.

The second part of this charge involves a complaint against the Tone and style of a letter from Mr. Ellis, deputy Colonial Secretary.

How Mr. Ellis happened to write *officially* to Mr. Parker I cannot now recollect; but the official correspondence with him was in the hands of Colonel Bird. Seeing, as I do here, the *Dictum* of Mr. Ellis in an isolated state (I take it on Mr. Parker's word, and do not accuse *him* of the blundering folly of "Interpolation"), I cannot help wishing it had not been laid down to Mr. Parker exactly as it is, for, although I feel that it was my duty to support and protect my public officers, and not to give up any person who had been acting under me to a Hostile Censor and ex parte statements, (feeling myself that I should be so supported and dealt with by my superiors under similar circumstances) I do not think that I should have expressed this Principle exactly in Mr. Ellis's words, to that Individual, had I dictated the letter. I do not mean to blame Mr. Ellis, and, what I here say is more a matter of Taste than Principle, but one thing may be gathered

from Mr. Ellis's letter, dated the 10th of October 1820, namely, that his sentiments must have undergone a considerable Change towards Mr. Parker within the last 12 days, that is, since the writing of his friendly exhortation of the 29th of September to which I have referred above. How such change was brought about Mr. Ellis and Mr. Parker alone can explain ; but I can affirm that Mr. Ellis was, in the *outset*, impressed with the same feelings of good will towards Mr. Parker as I was, and as Colonel Bird was.

In that part which Mr. Parker calls "Proofs," (but which to me have appeared throughout as merely gratuitous assertions, or appeals to persons in "Proof," myself amongst the number, who dissent from Mr. Parker's premises and conclusions) he speaks of the breaking up of his Party. I again refer to the historical detail of 27th Sept. 1820, and to my dispatch No. 23 of Oct. 30th, 1820.

4th Charge. Relates to Colonel Bird's refusal to allow Mr. Parker to participate in the Provisions issued to the other settlers under the "Parliamentary Grant &c."

In the first place, there never was any such "Parliamentary Grant." The issue of Provisions at all was a local arrangement, and under my guidance and responsibility.

Secondly, the Provisions were issued by the Commissary General, a Military Officer, who was *not* under Colonel Bird's control, but under *mine* as *Commandant of the Forces*, in which capacity I corresponded with that officer through my military Secretary, so that this whole accusation, as aimed at Colonel Bird, falls to the ground from the total failure of two simple matters of Fact.

But, in truth, Col. Bird must be assumed in all official acts to have proceeded under my orders ; and, unless he outstepped his line of duty, and did that which I disapproved or disavowed, all that Colonel Bird did or wrote to Mr. Parker was my *Act*, and the Responsibility rests with me ; for I have hitherto found no proceeding of Colonel Bird's towards Mr. Parker which I either disapprove or disavow.

If Mr. Parker was refused Provisions it must have been *after* his Party was broken up by me for reasons which were reported by me to Lord Bathurst in my dispatch, No. 23 of Oct. 30, 1820, to which, and its *enclosures*, I beg leave parti-

cularly to refer. It will leave, I think, no doubt on this part of the subject. Mr. Parker had ceased to be a Settler by his own Acts, and could open no account with Government for either Provisions or Implements.

I heard of his distress and that of his family, which I deeply lamented, and at one time was going to offer him pecuniary Relief from my own Purse, when it was suggested to me (*not* by Col. Bird) that this might not only fortify him in his opinion that my Feelings were at Variance with Col. Bird's official conduct, but even persuade the public that they were so, through Mr. Parker's misrepresentations. I therefore withheld the aid I had in Contemplation, from the Conviction that it would be unsafe to be kind to him in that way.

Of my care of and anxiety for the unfortunate Individuals who had come out with Mr. Parker, ample Proof must exist in the various Documents transmitted by me to Earl Bathurst; and, in particular in my Military Instruction to the Commissary General, dated Head Quarters, Cape Town, Nov. 8th, 1820, and which that officer has no doubt forwarded to the Treasury as his voucher, and where, if there be no Copy in the Colonial office, a copy can be procured. This Instruction will also show why the *third* Instalment, about which Mr. Parker has made so many Complaints, was retained in the hands of the Commissary General.

I beg leave to call Earl Bathurst's Notice particularly to this Military Instruction, which I recollect drawing up myself, for my military Secretary's Signature, as it will shew the detail and minute superintendence into which I personally went in every matter connected with that Class of His Majesty's subjects confided to my Especial Care, and to which they bore, universally, a strong and grateful Testimony; and for which I received so high a Reward in the concluding part of Lord Bathurst's final dispatch of the 28th Sept. 1821.

5th Charge. And the "*Proofs.*" After what I have stated on the other Charges I do not think it necessary to go into this: it is bare assertion, to say nothing of the drift of that Part called the "*Proof*" not being very intelligent to me.

6th Charge. Let Mr. Parker produce the letter of which he complains, and I have no doubt but it will carry with it its own answer. Meanwhile I have only to repeat that Col.

Bird had no sort of control over my *Military* Secretary, and, that the latter would not have ventured to write a line to the Commissary General on a subject of Expenditure without my Express Directions.

I now respectfully submit to Mr. Wilmot Horton that the demand made even upon my time to draw up the foregoing Pages would give me a right to complain after the full, explicit, and *unanswered* Statements I have before made respecting Mr. Parker in the Documents I have referred to, did I not see one of His Majesty's Principal Secretaries of State troubled, and his great department still occupied with complaints Ten times refuted, and by Exaggerations ten times exposed; but I cannot help hoping that this paper with the Documents referred to will, if shown to the advocates and friends of Mr. Parker, convince *Them*, and preclude all farther discussion or correspondence with the Colonial Department on their parts; but as to either satisfying or convincing Mr. Parker *himself*, I was long ago obliged to give up all attempts of the sort, and, after many fruitless endeavours, I gave orders that his letters should be no longer answered or acknowledged.

(Signed) R. S. DONKIN.

[Original,]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL
BATHURST.*

SIMON'S TOWN, CAPE OF GOOD HOPE, 15th July 1823.

MY LORD,—Availing ourselves of the departure of the *Madagascar* Frigate we take the earliest opportunity of acquainting your Lordship, that we arrived at this anchorage on Saturday evening last the 12th instant, having touched at the islands of Madeira and St. Jago on our passage for refreshments. As the Captain of the *Lady Campbell* declined our request to anchor in Table Bay on account of the variable state of the weather at the present season, we were compelled to resort to this anchorage, from whence it is our intention to remove in the course of to-morrow. As we found that the arrangements necessary for the debarkation and removal of

our effects could not be completed in less than two days, and that they required our presence at Simon's Town, we were prevented from immediately availing ourselves of the very obliging invitation of His Excellency Lord Charles Somerset to proceed to his residence at Newlands. We however lost no time in forwarding to his Lordship by Mr. Gregory the Despatch marked "Private Circular" entrusted to us by Your Lordship, and we have great satisfaction in learning upon the return of Mr. Gregory this morning that his reception by His Excellency was of the most gracious kind, and that he expressed the strongest assurance of his satisfaction at the arrival of the Commission, with which we have the honour to be charged, as well as his anxious disposition to afford every facility to the accomplishment of the views of His Majesty's Government. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MR. R. HARRIES to R. WILMOT HORTON, Esqre.

17 BERNARD STREET, 15th July 1823.

SIR,—Having made application at the Colonial Office I have been recommended to submit a written communication to you on the following subject.

In the year 1820 my relative Mr. Thos. Philipps having through the recommendation of Sir Jno. Owen obtained permission to emigrate to the Cape of Good Hope, he embarked at Bristol on board the *Kinnersley Castle* Transport, taking with him his whole family consisting of a wife and seven children and a party of Settlers about twenty in number. On his arrival at Algoa Bay a grant of Land was allotted to him in the district of the Zurevelt or Albany which he took possession of in the month of June of the same year and received from the Government Stores the rations allowed the settlers up to a certain period.

From that time to the date of the last advices a period of

nearly three years my Relation has exerted himself with every possible degree of Diligence and Industry and expended all the capital and means in his power in cultivating the Lands allotted to him for the support of himself and family, with what success I hardly need to state as it must be well known to you that in each successive harvest there has been a complete failure in their crops of Wheat and that a very scanty supply has been raised of any of the other products of the ground.

Severe as has been their disappointment from the repeated failures in the produce of the Soil, and the deprivations consequently sustained by them, their spirits might still have been buoyed up with the hope that another season might not bring with it the same disasters, had they not to contend with a more formidable evil in the repeated incursions and outrages of their marauding neighbours the Caffres. It would appear that the Military force in that part of the Colony is by no means adequate to arrest the progress of these savages who conceal themselves by day in the thick bush and sally forth at night in quest of Plunder. The object to which they principally direct their attention are the Herds of Cattle being the only remaining species of property which the unfortunate Cape Settler is now possessed of and their attacks are so well concerted and so expeditiously effected that the utmost vigilance of the Proprietor is insufficient to protect his *Kraal*. The Caffres being moreover armed with their favourite weapon the Assegai, unless the Settler has a strong party about him it becomes a question of prudence whether to attempt a defence or to suffer them to proceed in their work of plunder unmolested, various instances having occurred of European lives being lost in such encounters.

Mr. Philipps is almost the only person in the whole district who had up to the date of his last letter escaped from these attacks which he ascribes to the situation of his farm being at a distance from any Bush, affording little facility for concealment.

In this unfortunate situation, his prospects blighted, his capital exhausted, living in constant dread of a savage and insidious enemy, and with famine staring him in the face, it is not unnatural that the Settler should look to the protecting hand of Government to rescue him from inevitable ruin.

The anxious desire of my relation which I understand he entertains in common with many others is that Government would bestow on them an allotment of Land in the more promising Colony of Van Dieman's Land, affording them a free passage there and an allowance of rations until they shall be enabled to raise sufficient produce wherewith to support themselves and families. I am &c.

(Signed) RT. HARRIES.

[Original.]

Letter from SIR RUFANE SHAWE DONKIN *to* ROBERT WILMOT HORTON, ESQRE.

89, Pall Mall, 16th July 1823.

SIR,—I have had the honour of receiving your letter of 3rd instant, and I need hardly add that I have given it my most serious consideration.

If by "retracting" is meant that I shall unsay anything which I have said, on the ground of my having advanced that which I feel not to be fact, it must be evident that no man having pretensions to the name of gentleman could take such a step, which would have the effect, in my case, of not only banishing me from that society in which I have hitherto moved, but it would render me unworthy of the high rank I hold in the King's service; but if I may take the word "retracting" in its literal and grammatical sense, that of "drawing back" that which I have advanced without due consideration of all the consequences, I have no hesitation in saying, in that sense, that I wish to retract the particular expression I used in my letter of 23rd ult. to Earl Bathurst; for besides a change of circumstances, and considerations with which it is not necessary for me to trouble his Lordship, I feel, on due reflection, that my coming forward just now in any official way on such a subject, would appear like an ill-timed interposition on my part between the Commissioners now at the Cape and the object of their inquiries; and I trust that this explanation will be satisfactory to his Lordship, and will render unnecessary the urging of the other part of the alternative to which your

letter points, namely, my preferring "charges," which I respectfully submit no expression in my letter to Lord Bathurst pledges me to do ; for it is not a mere verbal distinction when I say that there is a wide difference in fact and in essence between an officer who had held a high public situation, as I had done, saying that he *could* make "*disclosures*" connected with that situation to one of His Majesty's Ministers, and that he would prefer "*charges*" against an individual.

All I want, or ever wanted, is to stand in Earl Bathurst's opinion where I did stand on my first arrival in England ; for I never will admit that any *true* information or *new fact* can have reached his Lordship relative to my administration at the Cape, which ought to shake that good opinion generally in the slightest degree ; and I say with the same confidence that the more his Lordship looks into my administration and gets at additional *facts*, the more he will be confirmed in the judgment he originally formed on the data he had before him, namely, the official details, not of my opinions, but of my conduct, and the universally expressed sentiments, *after* I was out of office, of the whole body of public officers, and of the most respectable of the colonists and merchants. I have, &c.

(Signed) R. S. DONKIN.

[Original.]

Letter from SIR RUFANE SHAW DONKIN *to* R. WILMOT
HORTON, ESQRE.

89 PAUL MALL, *July* 16, 1823.

DEAR SIR,—Your courtesy to me on all occasions has entailed on you this letter, for which I must begin by apologising.

I am fully aware of the situation in which Lord Bathurst felt himself, and I regret that an indiscretion of mine should have caused it, but you will make allowances for my feelings at the time, and you will excuse my also dwelling on what I have said in my official letter (which accompanies this) that nothing I said in my letter of the 23rd ultimo to Lord Bathurst pledged me in any way to *give in charges*, a situation of odium

and responsibility into which I cannot think that any power could force me. "Disclosures" I was ready and am ready to make if called upon, but I submit that the question as well as the onus of carrying on "*Charges*," if any be founded on them, rests with the Government to whom those disclosures are made, however I wish to have nothing to do with either disclosures or charges, if I can avoid it, but if the thing be unavoidable my only *safety* will be in Parliament, and I would, if possible, under such circumstances get into the House of Commons, and make, not my "*Charges*," but my "*disclosures*" *there*. I am thoroughly convinced that if I did so I should carry with me nine Tenths of the House. The Opposition would join me on their professed principle of attacking *all* Evils, and those on the Ministerial side (where I should beg leave to take my seat,) would very many of them join me on the grounds of justifying the Secretary of State for the Colonies, and of proving by their votes that the mischief which I should detail did not originate in that quarter, and to separate him from my delinquent would be a main part of all I should have to do, for, justice has never yet been done to Lord Bathurst, either for his General Views for the Cape, or for the clear, comprehensive and admirable Instructions he sent out for the Colonization of Southern Africa. Instructions so clear, so comprehensive, and so admirable that I, the Executive on the spot, had never occasion to write once for Explanation: all I had to do was to carry Lord Bathurst's orders into Execution, and to *report* my Acts, yet has the public seen this whole fabric of Colonization, planned with so much wisdom, and executed with so much pains and labor, totally overturned, and not only all the Expense incurred at the Cape, but in England, rendered almost nugatory, to say nothing of the immense quantity of human misery inflicted. The Blight, alone, would not have done this. The irreparable part of the mischief has been done by the iron hand of Power, and, what is worse, in Earl Bathurst's honourable and benevolent name, for all that is doing there, or has been done for the last 18 months and upwards, is understood to be with his knowledge and sanction!

Lord Bathurst's high Character does not, it is true, depend upon the *mistaken* opinion of one Colony, but most certainly

the opinion of that Colony is much changed since 1821. At that Period his name was never mentioned but as the Pole-Star to which their hopes and expectations pointed, recent Events have made them think (erroneously, as you know, and as I know) that they are abandoned to a Proconsul too remote from the seat of Empire to be closely observed, and too powerful to be ever brought to justice, shielded as he takes care to make everybody believe that he is by that honourable Protector who would be the very first to disavow and to set right the mischiefs of *every* sort which have been done, were they only once before him.

In regard to myself, Lord Bathurst has not, I trust and hope, changed his opinion concerning me *on the whole*, I know that he has no reason to do so, and I know too that truth and Justice will prevail at last ; meanwhile I feel still very sore both at what my friends tell me of your altered opinions, and at the Tone and General Tenor of the letters of which I have before complained, and if, as you have told me, that letter does not imply an undoing or wiping away of the *general* approval given to my conduct, what a severe Chastisement is it for the isolated facts on which it rests, some of them too since explained away by me !

I cannot help thinking that the rule of Horace, "*non ego Paucis offender Maculis*," is as applicable to a powerful Minister as to a literary critic. If Statesmen were to crush their Subordinate Executives for every error, and pour forth a vituperative and killing stream on them for *one* thing done wrong, and at once forget *nine* things which may have been done right, it is evident that the former would in the end remain not only without faithful subordinates about them, but without anybody at all. I know very well that this is not the Practice in your great department, tho' I think that *I* have been treated a little in that way, but I trust and hope that sunshine is at hand, and that it will not be long before I shall learn from Earl Bathurst himself (on whom I am anxious to wait) that if I have nothing farther to hope from his favor, at least I stand as fair with him as I did when he received me so graciously on my first arrival in England. I have &c.

(Signed) R. S. DONKIN.

[Original.]

Letter from the REVEREND COLIN FRASER *to*
R. WILMOT HORTON, ESQRE.

21 BERNERS STREET, OXFORD STREET, 16th July 1823.

SIR,—My friend the Revd. Dr. Manuel having transmitted to you my certificates, I have the honour to inform you that I am now in readiness to proceed to Holland to acquire a knowledge of the Dutch Language, to qualify me for the duties of a Minister of the Gospel at the Cape of Good Hope. As one of the Certificates contains the security which Government requires respecting the allowance of fifty pounds which it makes towards defraying my expenses while in Holland, I hope there will be no objections to my receiving that sum at present, as I have nothing now to detain me longer in London. I have &c.

(Signed) COLIN FRASER.

[Copy.]

Letter from the COLONIAL SECRETARY *to the* REVEREND
W. R. THOMSON.

COLONIAL OFFICE, 18th July 1823.

SIR,—I have had the honor to receive and to submit to His Excellency the Governor your Letter of the 27th Ultimo replying to mine on the subject of Mr. Shaw's establishing himself in Caffraria ; and of the terms on which His Excellency was disposed to assent to Mr. Shaw's application on this head. Mr. Shaw has since assured His Excellency of his entire acquiescence in the limitation proposed to him, and His Excellency is pleased that you have decided that he shall reside with Pato's people, as it has appeared to His Excellency that that part of the country wanted an attention which could not be paid to it, either by the Colonial Authorities or by the Residents at the Chumie.

Since this subject has been in contemplation His Excellency has received information through Dr. Thom that the Glasgow

Missionary Society is anxious to send more labourers into Caffraria, to which His Excellency will not object, hoping that you may receive essential aid therefrom, in all respects ; but His Excellency has desired, that it may be most distinctly understood, that unless the missionaries are placed entirely under your control, so that by your acting in conjunction with the Government as at present, and directing the impulses to be given by them, all tending to establish and enforce one system, His Excellency will not continue to sanction the further entry of Missionaries into Caffraria, until there shall be greater prospect of utility by an alteration in the habits of the border tribes.

His Excellency is well pleased in hearing that you gradually progress in the propagation of religion among these people, and begs to say, that your having given one of them his name in baptism has His entire Sanction. I have &c.

(Signed) C. BIRD.

[Office Copy.]

*Letter from ROBERT WILMOT HORTON, ESQRE., to
SIR RUFANE SHAW DONKIN.*

DOWNING STREET, 19th July 1823.

DEAR SIR,—It is perfectly true that nothing which you said in your letter of 23rd ultimo to Lord Bathurst ought to be considered as pledging you in any way to prefer direct charges against Lord Charles Somerset ; and that, in point of fact, had I employed the phrase “ make disclosures,” I should have conveyed Lord Bathurst’s meaning more correctly. I am directed therefore by Lord Bathurst to request that you will at once communicate to him such information as is implied under the word “ disclosures ” with respect to Lord Charles Somerset. Lord Bathurst having been made acquainted that such imputations exist against Lord Charles, cannot consent voluntarily to remain in ignorance of their nature until the period of the next meeting of Parliament, when you imply that you will be prepared, if necessary, to make them

public through the medium of the House of Commons. The lapse of time which in that event must take place would be prejudicial to the public interest, and under these circumstances I am distinctly to convey to you that Lord Bathurst is adverse to such postponement; and you will allow me to say that, even speaking of myself, had such communications been only made to me, it would have been my duty to mention them to Lord Bathurst, who after having been indirectly made acquainted with their tendency could do no otherwise than press on a decisive inquiry with respect to them, and therefore, when you say that I cannot fail to make allowances for your feelings at the time, I must answer, that having given vent to those feelings there is no possible alternative left on the subject. I have already so fully explained, both in writing and in conversation, the nature and tendency of those observations which I was directed by Lord Bathurst to make in the letter which was addressed to you in Italy, that it is unnecessary for me on the present occasion to repeat such explanation; you will therefore excuse my saying more with respect to the latter part of your private letter. I venture to enclose to you your public letter of 16th instant, as the correspondence between us on this subject has, I believe, in general been marked "private," and therefore it would be desirable that it should not be of a mixed character; and I do not perceive any observations in your public letter which are not to be found in that private correspondence. I remain, &c.

(Signed) R. W. HORTON.

[Original.]

*Letter from T. P. COURTENAY, ESQRE., to ROBERT
WILMOT HORTON, ESQRE.*

ABINGDON STREET, July 19, 1823.

SIR,—Since I had the honor of addressing you on the 20th of February last, an Act has passed whereby so much of the Act of the 53rd Geo. 3 c. 155 as regulates the tonnage of vessels trading between the United Kingdom and the limits

of the East India Company's Charter is repealed. It would thence appear that the only ground upon which a similar regulation was included in His Majesty's Order in Council of the 24th September 1814 has been taken away.

The same Order in Council subjects exportations from the Cape to other restrictions contained in the Act of the 53rd Geo. 3 and in that of the 54 Geo. 3 c. 34. The provisions of both these Acts as well as of others affecting the East Indian Trade are repealed or superseded by the new Act, I would therefore humbly submit to Earl Bathurst the propriety of regulating exportation and importation at the Cape according to the provisions of the Act of the present Session only.

I have &c.

(Signed) THOS. PER. COURTENAY.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 20th July 1823.

MY LORD,—His Majesty's Government having decided that part of a sum voted by Parliament for promoting emigration from the South of Ireland should be applied to the removal from thence of a party of the labouring Class to the Cape of Good Hope, and Mr. John Ingram having at this juncture stated his arrival from the Colony with the intention of returning with a party of fifty persons as his articulated Servants, and solicited pecuniary aid in order that he might be enabled to extend this number, I do myself the honour to inform your Lordship that an advance of £4,900 has been agreed upon in order that Mr. Ingram may provide for the conveyance from Cork of 200 men, 50 women, and 100 children, in addition to the party of 50 persons to be embarked at his sole expence; and I transmit to Your Lordship herewith a copy of a letter which I caused to be addressed to the Treasury, specifying the conditions upon which it was proposed that this measure should be made. Upon reference to this letter, Your Lordship will observe that Mr. Ingram has been required

to give his bond that certain provisions shall be made in the indentures he enters into with the respective individuals of the party he takes out at the public expence, and for the due observance of the Articles he may enter into with the persons composing the party which proceeds at his own charge, and he is further bound to repay the amount of the sum advanced to him, unless within a time to be fixed he produces proof to the satisfaction of the Lords Commissioners of the Treasury, that he has duly discharged the obligations of his bond.

In sanctioning the present emigration to the Cape, His Majesty's Ministers have proceeded on the representations which have been urged on their attention with respect to the great demand for labour in this Colony, as indicated by the high price it commands in the market ; and if the statements are correct, that an Artisan may earn six shillings, and a labouring man three shillings a day, respectively, there can be no doubt that the measure will be attended with beneficial consequences, and that the principle of it might be renewed periodically with advantage to the Colony, and that an extensive accession of labour might be absorbed, without reducing the amount of wages in a degree to endanger the means of acquiring subsistence, or diminishing the comforts of the labouring part of the population.

Before, however, any further step is taken with a view to further emigrations of the labouring classes from Ireland to the Cape, it is material that His Majesty's Government should be in possession of Your Lordship's sentiments on the subject, and extremely important that the most accurate information should be obtained as to the probable continuance of the high prices of labour, and as to the degree in which the amount of wages would be affected if a supply of labour should at intervals be transferred to the Colony under a system carefully regulated by the local Government. With the information Your Lordship will immediately cause to be collected on these points, and transmitted home for the consideration of His Majesty's Government, it will be practicable to decide as to the extent emigration might conveniently be encouraged, but in considering this question, Your Lordship will understand that it is not the intention of Government to defray any part of the

expence which would attend the Conveyance of any further body of labourers to the Cape. The necessary disbursements for such a purpose must be made by those individuals whose interests would be promoted by their employing European labourers in the improvement of their property. His Majesty's Government would lend its assistance only in directing arrangements to be made for carrying the measure into execution in the most advantageous manner. If, for instance, it should appear advisable to Your Lordship to recommend a proposal from certain individuals that they were desirous of giving employment to a stated number of European labourers, for a term to be fixed and on conditions to be specified in a legal instrument, steps would be accordingly taken for engaging such labourers as might be disposed to avail themselves of this means of gaining their livelihood, and shipping would be prepared for their conveyance to the Cape at a rate to be previously fixed; but it would remain with Your Lordship to cause security to be taken that the sums advanced on the occasion should be repaid in the Colony, and that the conditions of the indentures entered into were duly observed on the part of the Colonists.

Your Lordship's attention will also be directed to an examination of the conditions which Mr. Ingram has been required to provide for in the indentures he enters into with his articulated servants; and you will unreservedly remark upon the expediency of adopting or rejecting any part of those indentures, or of adding other clauses, in the event of these documents being used as the basis on which future engagements of the kind may be fixed. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 20th July, 1823.

MY LORD,—Mr. D'Escury has recently addressed a letter to Mr. Wilmot Horton, enclosing copies of voluminous documents which he has prepared for the purpose of submitting to the

Commissioners of Enquiry, and which embrace several points relative to grants and quit rents, that will properly come under the consideration of the Commissioners in the ordinary course of their proceedings. But Mr. D'Escury has taken occasion to mention a circumstance of such serious import, as regards Your Lordship's motives in making an extensive grant to Mr. Redelinghuys, that it is necessary I should immediately instruct the Commissioners to enquire and report to me without delay upon the subject. By the enclosed extract, your Lordship will perceive that you have been unreservedly charged with having corruptly made a grant of land to Mr. Redelinghuys in consideration of a sum of money amounting to 10,000 rixdollars, paid by him to you, under colour and pretence of a sale of a horse, a short time before he received a grant of 20,000 acres of land. Your Lordship will concur with me in the necessity of an immediate examination of such a charge, and in the decision which has induced me to direct the Commissioners to make to me a special and early report upon it.

It is hardly necessary for me to assure you that I entertain a perfect conviction that the falsehood of the accusation will be satisfactorily established before the Commissioners, and in which case I shall feel it my duty to direct the immediate dismissal of Mr. D'Escury. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS
OF ENQUIRY.

COLONIAL OFFICE, LONDON, 20th July 1823.

GENTLEMEN,—Mr. D'Escury has recently addressed a letter to Mr. Wilmot Horton, enclosing copies of voluminous documents which he has prepared for the purpose of submitting to your consideration, and which embrace several points relative to grants and quit rents that will properly come under your notice in the ordinary course of your proceedings. But Mr. D'Escury has taken occasion to mention a circumstance of such

serious import, as regards the motives of the Governor of the Colony in making an extensive grant to Mr. Redelinghuys, that it is necessary I should immediately instruct you to enquire and report to me without delay on the subject. By reference to the enclosed extract, you will perceive that his Excellency has been unreservedly charged with having corruptly made a grant of land to Mr. Redelinghuys, in consideration of a sum of money, amounting to 10,000 Rix Dollars, paid by Mr. Redelinghuys under the colour and pretence of a sale of a horse, a short time before he received a grant of 20,000 acres of land. I have in consequence to desire you will immediately enter into an examination of this charge ; and you will make to me a special and early report thereupon ; transmitting with the same copies of the evidence taken on oath produced in support of the charge, together with any other evidence also taken on oath, that you may consider as having an immediate relation to the subject. I am &c.

(Signed) BATHURST.

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 20th July 1823.

MY LORD,—The House of Commons having presented to His Majesty an address, founded upon the accompanying resolution, praying for certain information relating to such Slaves as are possessed by the Crown, and His Majesty having been pleased to command a compliance with the said address, I have to signify to you the royal pleasure that you do transmit to me without delay the accounts specified in the resolution of the House of Commons. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 21st July 1823.

MY LORD,—I have received The King's Commands to transmit to you, for your information, Copies of circular Instructions which I have addressed to the several Governors of His Majesty's possessions in the West Indies in conformity to certain resolutions which have recently been unanimously adopted by the House of Commons.

These papers will make you fully aware of the measures which His Majesty's Government have it in contemplation to apply to such Colonies where Slavery exists; and having impressed yourself with the spirit in which those measures have been earnestly recommended for adoption, you will, on your part, be prepared to make such suggestions and arrangements as will render more easy, if not in some degree anticipate the operation of an Order in Council which will probably be passed, at no distant period, for the purpose of enforcing the intentions of Parliament. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 21st July 1823.

MY LORD,—I have had the honor to receive your Lordship's Dispatch of the 14th of March last covering a Memorial from Mr. Wm. Corbitt relative to three prize negro apprentices, and having referred the same to the Collector of His Majesty's Customs at this place, have the honor to transmit to Your Lordship a Copy of that Officer's explanation, which exposes the gross misstatement of Mr. Wm. Corbitt and which will, I trust, evince to your Lordship that Mr. Blair acted on this occasion in strict conformity to the Law and with a due regard to the welfare of the negro in question. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

CUSTOM HOUSE,
CAPE TOWN, 14th July 1823.

MY LORD,—In reply to the honor of your Lordship's communication from Earl Bathurst on the subject of Mr. Corbett's apprentices, I have to state that the Order of Council of the 16th March 1808, grounded on the Act passed in the 47th year of Geo. 3rd entitled "An Act for the abolition of the Slave Trade," orders and appoints me to receive protect and provide for all such natives of Africa as have or shall be condemned as Prize of War, or as forfeiture, and to enter and enlist them in His Majesty's Land or Sea Service as Soldiers, Seamen, and Marines, and to bind the same Apprentices and to make and execute Indentures of Apprenticeship for that purpose.

In discharge of these my duties under the Order in Council, Indentures were drawn out, approved by the Colonial Government and the legal authorities, a copy of which is hereunto annexed, bearing upon the face of them (for the protection and comfort of the Negro) a prohibition of the assignment of such Negro to any future Master without the consent of the Collector of His Majesty's Customs. Under the penalty of these Indentures, three Apprentices were bound to Mr. Corbett, who applied for leave to take to England one of them, John, in order to attend on his family on their passage. It was granted on his entering into bond to send back to the Cape John, who returned without his Master about July 1822. Instead of shewing himself to the Collector on his return, it appears that Mr. Corbett having left the Colony and deserted these Apprentices, neglected every engagement entered into by the Indenture and ordered John to repair to the House and to give his services to a Shopkeeper in Cape Town, where the superior education, to the benefits of which, after eight years neglect Mr. Corbett alludes, appears to consist in carrying small parcels and doing drudgeries of the House. Under these circumstances I judged it most favorable to the future comfort and improvement of John, handed from one to another, abandoned by his master, to take him for the remainder of his term into my own family, where he will meet with all due care and instructions, and become a useful member of Society at the Expiration of his apprenticeship.

With regard to the other two apprentices whom Mr. Corbett states to have been removed by me from other persons, whom he also calls his agents, I have only to assure your Lordship that I have in no manner interfered with them, altho' in not doing so, I fear not to have completely fulfilled the Orders of Council and the terms of the Indentures granted. This assertion will, however, afford to your Lordship a specimen of the veracity of Mr. Corbett. I have now only to conclude by respectfully assuring your Excellency that I have endeavoured to the best of my understanding and ability, faithfully to discharge my duty by receiving protecting and providing for such Natives of Africa as have been condemned as Prisoners of War, and by binding them apprentices to humane and good masters, in conformity with both the spirit and the letter of the Acts of Parliament and the Orders in Council in such cases had and provided. I have &c.

(Signed) CHARLES BLAIR,
Collector of Customs.

[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to SIR RUFANE
SHAW DONKIN.*

RICHMOND, 23rd July 1823.

DEAR SIR,—With reference to your letter of 10th Inst., in which you enclose remarks on the charges preferred by Mr. Parker against Colonel Bird, you will allow me to say that altho' the sum and substance of the answer which you have now supplied, may be obtained from an accurate examination of the correspondence in the Colonial Department (and which I myself was under the necessity of perusing when I expected that the subject would be discussed in detail in the House of Commons) there are some points, and those not immaterial ones, which are afforded in your present explanation which are not directly stated, if implied in your former communications: I mean your direct correspondence thro' the medium of your Military Secretary, which effectually and completely removes Colonel Bird from the sphere of all accusation. I shall not fail to place your very clear explanation before those

Gentlemen who during the last Session have been pressing on Lord Bathurst's attention the claims of Mr. Parker. But there is one point on which I am directed by his Lordship to request that you will be good enough to supply more detailed information, I mean in what manner the £1,300 sterling has been expended from the Colonial Funds of the Cape of Good Hope under the direction of Lord Chas. Somerset, for the purpose of assisting Mr. Parker and of conveying him to England. You allude to a part of the items composing this charge, but not to all of them. I therefore have to trouble you to supply the deficiency. If however (which does not appear quite clear) the items alluded to by Mr. D'Escury (to which I have not at this moment the opportunity of referring) combined with those mentioned in your letter, do actually form that sum, there is no occasion for me to trouble you on the subject. I remain &c.

(Signed) R. W. HORTON.

[Original.]

*Letter from SIR RUFANE DONKIN to R. WILMOT
HORTON, ESQRE.*

89 PAUL MALL, July 24, 1823.

DEAR SIR,—I have had the honor of receiving your letter of yesterday, and in answer beg leave to acquaint you that the sum total of about £1300 sterling which I stated that it had cost the Public for the sending home of Mr. W. Parker is made up of the following items.

When Mr. Parker bought the Estate called Old Government Post	<i>Rids.</i>
at auction it was knocked down to him for	13,333
After Lord C. Somerset cancelled that sale in favour of Mr. Parker it	
sold only for	6,666
Which caused a loss to Government of : : : : :	6,667
Interest and Transfer duty given up full : : : : :	1,600
An Advance from the Bank	3,000
And £250 from the Military Chest as passage money : : :	3,000
Total expense to the public for importing Mr. W. Parker : : :	14,267
which I take at a loose estimate at about £1,300	

If it be contended that Mr. Parker had a hard bargain at the sale, there are two answers ready, one of reasoning, the other of Fact. The first is, Mr. P. bought the land with his eyes open, at public auction, with all the documents and circumstances before him, and after a long residence not far from the Spot. If therefore a public Government Sale of this sort is to be annulled, for a Man too who assuredly had no claim on the Public, no Government sale can hereafter be considered as closed or secure.

But the Fact is, it was not a hard bargain, for the Representative of Mr. Colebrooke, a Gentleman of Fortune, was the next bidder to Mr. Parker, and was very near him; and by universal opinion the property was worth the money; but after being a considerable time in Mr. Parker's hands, where it was much neglected and deteriorated in every way, and the Colony moreover in great pecuniary distress, the second sale produced only the very small sum cited, and this is not to be wondered at. The Detail will be found in Mr. D'Escriy's No. 8. I have &c.

(Signed) R. S. DONKIN.

[Copy.]

*Letter from the Commissioners of Enquiry to the
Colonial Secretary.*

CAPE TOWN, 24th July 1823.

SIR,—Having this day taken the usual oaths of office in the presence of His Excellency the Governor, and having opened our Commission, we now feel it our duty to acquaint you that in compliance with His Excellency's request, that we should address ourselves to him on all occasions in which we may require a reference to the documents deposited in the office of the Colonial Secretary, it is our intention to conform to that arrangement. We beg leave to express our regret, that severe indisposition should have prevented our having the honor of personally communicating with you, but we indulge the hope, that your speedy recovery will afford us an advan-

tage, that we should be extremely sorry to lose, of commencing an official and personal intercourse with you. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 25th July 1823.

MY LORD,—I beg leave to acquaint Your Lordship that I have granted leave of absence, for the term of Six months from the period of his embarkation from hence to Mr. G. D. Baumgardt, Clerk in the Colonial Secretary's office, to return to Europe on his private affairs.

I have directed Mr. Baumgardt to report himself to your Lordship on his arrival in England and to apply to you for any further extension of leave, and I have furnished him with the certificate required by Your Lordship's Dispatch No. 9 dated 21st April 1818. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Extract of a Letter from LORD R. EDWARD H. SOMERSET to EARL BATHURST, dated Chipping-Norton, 25th July 1823.

With respect to the insinuations which you state Sir R. Donkin to have frequently thrown out against my brother, and his declaration that he has charges of the grossest corruption to bring against him, I am confident your Lordship will not permit language of this description to be held without bringing the question to an issue, requiring him either to make good his charge, or to withdraw it altogether. I cannot at the same time refrain from taking this opportunity of mentioning, that on Tuesday last Sir Rufane Donkin solicited an interview with me, for the express purpose of assuring me

in the strongest manner that he had never at any time made any attack whatever upon my brother; and that it was neither his wish or his intention to do so, unless driven to it in self-defence, in consequence of what he termed my brother's hostility towards him.

[Copy.]

*Letter from the Colonial Secretary to the Commissioners
of Enquiry.*

LIESBEEK COTTAGE, 25th July 1823.

GENTLEMEN,—I have received the letter you did me the honor to address to me yesterday evening, informing me, that you had on that day taken the usual oaths of office in presence of His Excellency the Governor, and opened your Commission.

I beg to return you my thanks for this polite communication, and to express to you my unfeigned regret, that I should be so unfortunately confined at so interesting and so important a moment. I flatter myself with the hope of reassuming my duties in a few days. I shall embrace the first dawn of convalescence to have the honor of offering you my thanks in person for the courteous and obliging manner in which you have opened the subject of business to me, and to assure you of the sincerity with which I have &c.

(Signed) C. BIRD,
Colonial Secretary and Registrar.

[Original.]

*Letter from MR. D. P. FRANCIS to the COMMISSIONERS
OF ENQUIRY.*

NO. 1 LONG MARKET STREET, CAPE TOWN, July 28th 1823.

In presenting the following statement to the Honourable the Commissioners appointed by Parliament for enquiring into the affairs of this Colony I beg leave to submit to them the undermentioned circumstances accompanied (if required)

by such Documents as relate to the hardships and grievances complained of, the truth of which I am prepared to substantiate when called upon for the purpose, leaving in the hands of the Honourable the Commissioners the case as it stands, without any comment of my own further than pointing out such grievances and disappointments as I have been subject to from the authorities of this Colony, and trusting to receive such redress as the nature of the case may admit.

I arrived in this Colony on the 30th of April 1820 as a Settler with 6 articted Servants under the Parliamentary Grant of 1819, forming a division of the party under the direction of Mr. Parker. On our arrival in Simon's Bay I proceeded in company with Mr. Parker to Cape Town. In our interview with Colonel Bird the Colonial Secretary we were informed that it was the intention of Government to send us to Saldanha Bay to be located in the Deputy Drostdy of Clanwilliam, hearing however various and contradictory reports as to the capabilities of Clanwilliam for a Settlement, we determined to proceed to that place to inspect the Lands in question before we sent the people forward. On arriving at Clanwilliam the Landdrost Mr. Bergh and Mr. Tulleken the District Surveyor informed us that the place intended for our Location had been surveyed, and it was their opinion that the lands were quite inadequate for so many persons to subsist upon. He added that Mr. Buissinne had also been there and concurred in the same opinion. In going over the lands with Mr. Parker and the Surveyor I was so perfectly convinced of the impossibility of the party being located there, without the risk of absolute misery and want being the consequence, that I determined upon abandoning the project rather than run so great a hazard, and informed the Landdrost of my intention. Mr. Parker also made a representation to Government upon the subject. On our return to Saldanha Bay, where we met the ship, a correspondence was carried on for some days between Mr. Parker and Colonel Bird. At last orders came either to disembark the people or return immediately to Simon's Bay, I believe with the intention of sending us to the Zuurveld. I then advised Mr. Parker to allow the Settlers to proceed to Clanwilliam, as I thought there might possibly be land that would answer their

purpose in the neighbourhood, though there was not sufficient at the place first pointed out to us. Under this impression I sent those families belonging to me to Clanwilliam that I might comply with the orders of Government, but returned myself to Cape Town to wait the result.

The result of that Location may be known from many Settlers who are now in Cape Town and its neighbourhood. I am aware that there was a long and angry correspondence between Mr. Parker and the Colonial Government on the subject, in which I took no *share*, as I did not *approve* of all Mr. Parker's proceedings either in this or other matters, and therefore shall mention only so much of the affair as concerns myself. After the appearance of much dissatisfaction and many complaints from different persons at Clanwilliam, Government addressed a circular letter to the Heads of Parties stating their having received representations alleging the inadequacy of the lands, that the object in placing them there was that it had been imagined that the parties would succeed at an earlier period than their countrymen in the Zuurveld, and that the Governor was not disposed to enter into the causes which had led to a contrary result; that His Excellency's sole design was to give scope for the exercise of the Industry of those parties in a situation as far as experience had hitherto proved favourable to their location; that arrangements were made for their immediate removal to the Zuurveld where Lands of unobjectionable quality would be assigned according to their numbers; the expence of transport as well by sea as to the place of location would be defrayed by the Colonial Government; and as the season was too far advanced for ploughing, rations were to be supplied free of charge from the Public Stores during the period required. His Excellency conceived by this measure every objection would be removed, and that the heads of parties and the Individuals composing the parties would recognise that paternal protection which is never withdrawn by His Majesty's Government either at home or abroad from the deserving and industrious.

Under the impression that I should obtain a Location on which I could at least subsist, I accepted these terms, as I was anxious to escape from the enormous and ruinous expense I had been put to by living at Cape Town and keeping my

people at Clanwilliam from the beginning of May until the 1st of September. There were only five heads of families that embarked with me for the Zuurveld, and Sir R. Donkin as an inducement for me to proceed to Albany promised me 1000 acres (I was entitled to 700 in the first instance), and on my arrival at Algoa Bay I expected no further difficulties would arise, but here I found them recommence, for I was told by the authorities there that no instructions had been received respecting me, and I was informed I would not be supplied with rations for myself and party. After waiting two or three days however I received an order from Captain Evat to be supplied. We arrived at Algoa Bay on the 30th of September, and after waiting until the 7th of October I then received from Captain Evat, the Commandant, the following Instructions, copied from a Letter addressed to him by the Landdrost (Colonel Cuyler) :—

“Mr. D. P. Francis on the Guazer River at the Ford below the spot now occupied by Jacobus Potgiether, to go from Assagai Bush in the Road leading to the Outspan Bush as far as where a bye Road from Niemands to Frederick Rensberg’s turns off, and from thence along to the River.”

This was all the Instructions I could obtain for my Location, and I was ordered to proceed to the place. On my enquiring where it was no one could inform me; but Captain Evat assured me that there could be no doubt of some person meeting me at Assagai Bush who would have authority to Locate me, therefore I proceeded on the 7th and arrived at Assagai Bush on the 11th October, but finding no one there to direct me I despatched a letter to Captain Somerset, the Deputy Landdrost, stating that I should wait his Instructions. It was now most dreadful weather, and I was anxious to reach my Location, in hopes of being more sheltered under tents than we were in the waggon. At this place I was also to receive Rations, but the Contractor refused to obey the Commissariat Order I had received at Algoa Bay for that purpose. Here was also a Canteen (or Brandy Tavern) which I was anxious to get my men away from.

In consulting with the Boor who resided at the Farm House, and Inquiring if he knew where my Intended Location was, he said he thought he did and offered to conduct me to it. On

arriving at the spot I was much dissatisfied with it, and determined to wait until I heard from Captain Somerset. In this situation I detained the waggons (six in number) until the 18th, but being tired of the expense of feeding ten or twelve persons besides my own party, I then discharged the waggons and was obliged to stay where I was. I never received any answer to my note from Captain Somerset, nor was there the least notice taken of it ; I was, instead of being supplied with Rations, obliged to purchase salt Beef at two skillings the pound, and paid the same price for bread. In the hourly expectation of an answer to my letter, or that some person would be sent to me, I remained until the 20th, when I proceeded in person to Graham's Town, as I had great difficulty in procuring provisions, though I paid nearly three times the contract price. On my arriving at Graham's Town, Captain Somerset was pointed out to me in the street. I went up to him and introduced myself, he answered that he would speak to me presently. I asked him if he had not received a letter from me from Assagai Bush, he said he had, but had received no Instructions respecting me. I informed him how I was situated, his answer was I must wait with patience, and he would come over and Locate me in a few days. I then asked him what I was to do for Rations, as I was promised them by Government and found great difficulty in providing for myself and people. His reply was he did not know, and walked away and joined some other officers. In about two hours I called at his house and requested he would give me an order for Rations, as I thought it hard to be left to my own resources after the promise of Government ; he then gave the order, and I repeated my Enquiry as to when he thought he should visit me, as I was not satisfied with the situation I was in. He said "in a few days." I accordingly returned to the place where my tents were pitched, and waited five days longer in the hopes of seeing Captain Somerset, but no one coming near me, I lost all hope, and commenced building huts for myself and people ; and thus I resided in the Colony from the 30th of April (the day I arrived) until the 25th of October, a period of nearly six months without a Location (for I could never acknowledge Clan William as one), when Mr. Parker told me only 15 acres could be allotted me. I should have

mentioned that on my arrival in Graham's Town, a Mr. Goodwin, who had been staying for some time with Captain Somerset and whom I had seen in Cape Town, said when I first saw him that he had heard of my coming up some time before from Captain Somerset, from which I infer that Captain Somerset must have been informed of my coming officially, and indeed I have since seen a letter in the Landdrost's Office with Instructions respecting me.

In this uncertain situation I remained until the 29th of December 1820 without anything being arranged or any steps taken for my Location by Captain Somerset. I then received a Letter dated Colonial Office December 21st stating that the Commissariat Department was to close the account of Deposits and that the issuing of provisions was to be discontinued. On the receipt of this Letter I proceeded to Graham's Town and again mentioned to Captain Somerset my arrangement with Government to be supplied with rations; he answered he had received no Instructions and supposed I should be treated in common with other settlers, and that he should visit my Location shortly. Under these circumstances I wrote to Colonel Bird on the subject, and stated that in the event of Government departing from the promise made in the Letter of the 25th of July to supply me with rations, I should be under the necessity of discharging my people and abandoning the Location. To this I received no answer, but suppose some orders were issued on the subject, as I was supplied afterwards in the same manner as the other Settlers.

Thus situated I began to think seriously of leaving the Colony, being still quite in an uncertainty respecting the place I was upon; and the failure of the first crop had now taken place. I was also convinced from the nature of the soil that little was to be expected from it to induce any person acquainted with agricultural pursuits to remain under the plan adopted in regard to the extents of the allotments, and how much less was the inducement to me placed on land where it was uncertain whether I should be allowed to remain or not. I cannot here refrain from alluding to one of the Circulars issued (to those persons who intended to emigrate to this Colony) dated Downing Street 31st August 1819, stating that in allotting the land to the settlers their Interests and

their wishes would be consulted and attended to. I will without making any comment on the subject leave it to the Honourable the Commissioners to judge how far my Interests had been attended to.

Under all the circumstances I determined on leaving the Colony, and began to make some arrangements for that purpose. On the 23rd of January however when on my road to Graham's Town I met Captain Somerset, who was then going to visit my place. I returned with him to the place and told him that I was so much dissatisfied that it was my intention to return to England. I had at this time built a Wheelwright's shop and set up a Smith's forge, built huts for my people, and a house of stone for myself, which buildings Captain Somerset said were by far the best he had seen amongst the Settlers. I also informed him that from what I could understand I was nearly four miles from the intended place of my Location, but it appears from Mr. Knobel's map of the Zuurveld that I was *forty miles* from the place marked out for me. Captain Somerset proposed that I should look out for some other situation, which I declined, because I had incurred such great expenses at the other end of the Colony and had erected various buildings in the place where I then was, and being without a Location six months I had so exhausted my means as to feel it impossible to commence again.

With all these grievances I *never complained*, nor most probably ever should, if they had ended there. I now made preparations for leaving the Colony by selling off what property I had remaining, and intended leaving Graham's Town about the beginning of May.

At that time Sir R. Donkin was expected daily, and I was persuaded by my friends to wait his arrival ; a few days after he came to Graham's Town I presented my case to him, on which he remarked that I had been vilely treated in not being properly located by Captain Somerset, whose duty it was as Deputy Landdrost, and he added that he would do anything he could with propriety to meet my wishes. I then applied for the waste lands which surrounded the place where I had been situated, which could be available to no other person, there being no water, nor was my place of any

use without these Lands, as they consisted entirely of high mountains and deep kloofs. This Grant was not only promised me by Sir Rufane, but Instructions given to Major Jones (who had then become Landdrost) to carry the measure into effect if there were no legal impediment. I was informed by the District Surveyor that there could be none, as he had surveyed two farms adjoining my residence a few days after I had arrived there (for two Dutch Boors), but that he had drawn the boundary Line next my place too near me, not knowing where I was situated, as he could not see my tents until within a few hundred yards of them. He then made a Note and left it in the Landdrost's Office at Graham's Town, stating it would be expedient to alter the Line if I remained where I was. This was pointed out by him to Sir Rufane, and Mr. Swan the Surveyor was to have altered it at that time; but his being called away on duty to Uitenhage prevented it being carried into effect.

Extract of a List of Memorials which SIR RUFANE DONKIN left with the Landdrost of Albany when on the Frontiers in the year 1821 for the purposes herein stated, and which List was transmitted to the Colonial Office in order to be filed.

No. 56.	From whom	On what subject.	Decision.
	D. P. Francis }	To be located on a certain piece of land near Assagay Bush.	I wish Mr. Francis to be put in possession of this immediately.

A true Extract.

(Signed) P. G. BRINK.

I cannot omit stating that it appeared to be the intention of the Acting Governor to give the Settlers such places as they could subsist upon, where there was room, and I understand that he refused applications for Land from the Boors in the District of Albany, or proposed that the Settlers might have that advantage, and one of the farms if not both which I have named were refused (as I understand) upon that ground by the Acting Governor, but though Captain Somerset must have been officially apprized of this decision still he gave

the Surveyor orders to measure those Farms for these Boors while at the same time he took no steps for locating me.

The promise and Instructions from the Acting Governor respecting my Grant were not carried into effect by Major Jones for the two following reasons, first because Major Jones was so fully occupied by public Business on his first arrival that he requested I would wait until he had more leisure, secondly because I thought myself quite secure in the Grant, and did not press the subject until Major Jones was dismissed by the present Governor.

I commenced again on my place with the hope that what had been promised me would be realized. I took every means to procure a Crop by buying and carting manure a distance of three miles at great expence, but, like most of my Brother Settlers, I did not reap a grain.

In May 1822 I was obliged to take a journey to Cape Town on private affairs, but owing to many delays I did not arrive until the 30th of July. On calling upon Colonel Bird on the subject of my place I informed him that the Intentions of Sir Rufane Donkin had not been carried into effect towards me, and shewed him a copy of the Memorial I had presented to Sir R. Donkin on the subject and begged to be informed what had been the order upon it, as I had only the verbal promise of Sir Rufane that it should be complied with. In referring back to the order Colonel Bird said that it was left in the Landdrost's office at Graham's Town to be acted upon. Colonel Bird then advised me to present a Memorial to the present Governor, and stated that he thought I had no reason to anticipate an unfavourable reply. Accordingly I presented a Memorial on the 20th of August, stating the time I came into the Colony and that I was not disposed to enter into a detail of the many disappointments I had met with in the Colony, but solicited his Excellency would be pleased to grant me the Waste Lands which surround my place of Location, describing them as I had done to Sir Rufane Donkin, that they were not available to any other person, there being no water but where my house and buildings are situated, and stated that under all these circumstances I was induced to hope His Excellency would be pleased to grant my request. I did not enter into any details respecting

the treatment I had received in not being located, because I must in that case have shewn that Captain Somerset neglected his duty towards me in a manner which I conceived most mischievous to my Interest.

A few weeks after I had presented my Memorial I called upon Colonel Bird to enquire if there was any reply to it. His answer was "not at present, but that it had been forwarded to Mr. Rivers the Landdrost of the District for him to inspect and report upon soon after I had presented it." After waiting until the 3rd of December (nearly 4 months) I then presented another Memorial, praying an answer to the one presented in the August preceding, and stating that I had been informed that 1,000 acres had been measured off for me by Mr. Knobel of the lands I had applied for, but that the Boundary Line I have mentioned before approached within five hundred yards of my House and Buildings and distant from the farms I have mentioned from one Mile and a half to 2 miles and a half, and that the said Boundary Line cuts off all the principal part of the Water from the place I occupied and made it of no value as a Grazing farm, for which purpose it is only adapted. That I understood the said Farms had no Titles to them at present on account of the note the Surveyor made as to the boundary and lodged in the Landdrost's Office at Graham's Town. Under these circumstances I requested his Excellency would be pleased to take the same into his early consideration, that the premises might be inspected and adjusted, and such a Grant assigned me as is usually given for a Grazing Farm.

Previous to my presenting this Memorial I had seen the Landdrost, who was then in Cape Town, and requested he would inform me if he had made any Report upon my case. He said he had at present no time as yet, tho' it must be recollected it had been referred to him nearly 4 months. To the above Memorial I received the following reply :—

"It appearing upon enquiry into the circumstances stated by Memorialist that he has quitted and moved all his property from his Location His Excellency does not deem Memorialist entitled to the Grant Prayed for by him."

(Signed) C. BIRD.

"12th Decr., 1822."

As I had seen the Landdrost (Mr. Rivers) before I received this reply, I was not a little surprized at its contents, particularly as he had before stated that he had not reported upon my application for want of time, and was *well aware* of the business which obliged me to leave my Location for Cape Town, as I applied to him on the subject, therefore his making this Report to His Excellency must I presume have been done to cover his own neglect in not inspecting and reporting upon the place I applied for. On receipt of the above reply I acknowledged it by forwarding another Memorial dated 17th December, stating "that in justice to myself I conceived it expedient to explain so much of the circumstances which obliged me to leave my Location for the present for Cape Town as to eradicate any impression or misrepresentation which might be attempted on His Excellency to my disadvantage, the cause of my leaving the Location for Cape Town Mr. Rivers was fully acquainted with, and from the circumstances it was impossible I could judge how long I might be detained in Cape Town, and there was even a possibility I might be obliged to visit England on the subject; that I did indeed remove all the small property which I could that I had left out of this unfortunate emigration, nor could I conceive it incumbent on me to leave any property in a situation where even my own constant presence could not be a protection against the Caffres and other depredations, but that so far from quitting possession of my Location I had left four men with two women and their children to keep possession and take care of it until I required it myself, and as his Excellency had deemed me not entitled to my additional request under existing circumstances I solicited that the Grant might be given me as surveyed by Mr. Knobel.

To this Memorial I received the following reply :

"Reply to Memorial of Mr. D. P. Francis, again praying that the Land applied for in his Memorial of the 3rd Instant may be granted him. His Excellency the Governor regrets that he cannot comply with this application without breaking through a regulation laid down by His Majesty's Secretary of State which directs that the titles shall be given only after

the Locators shall have occupied their lands 3 years, and His Excellency is of opinion that it would form an inconvenient precedent in Albany to break through this direction."

27th Decr. 1822

"By His Excellency's Command.

"(Signed) C. BIRD."

My object in presenting the last Memorial was to secure the Title to the Ground on which I had built, that I might not lose everything, but I consider the Location as allotted by Mr. Knobel of no value. His Excellency says he could not comply with my request because it would be breaking through a Regulation laid down by His Majesty's Secretary of State. If I had not been fully aware that the regulation mentioned had not already been departed from by His Excellency, probably I should not have applied for my Title, tho' my only object was to secure a small part of that property which I have sacrificed in this Colony.

I shall conclude this Statement by Recapitulating those points in which I feel myself most aggrieved.

The first is being sent to Clanwilliam and subjected to a most ruinous expense in this part of the Colony for 4 months without a Location upon which it was possible to subsist.

2nd. The neglect of the Deputy Landdrost Captain Somerset in not paying the least attention to the Instructions to locate me for upwards of 3 months, viz. from the 11th of October 1820 to the 23rd of January 1821, when I had so exhausted my means in Building and various other Expenses as to be unable to take up any other Location as proposed by him.

3rd. The neglect of the present Landdrost Mr. Rivers in not making a Report upon my Memorial of the 20th of August 1822, though referred to him for 4 months, and then informing me he had not time to attend to it, but alleging to the Governor that I had quitted the Location, though he was aware of the business which brought me to Cape Town. This I presume was done to cover his neglect, and I conjecture may have induced the Governor to reply that he did not deem me entitled to the Grant prayed for, though

directions had actually been issued by the late Acting Governor to carry that Grant into effect.

4th. In the Landdrost allowing Mr. Knobel to measure a part of the Land without giving any Instructions or acquainting him with the application I had made concerning it, which neglect caused Mr. Knobel to make no alterations in the Boundary Line of the two farms I have mentioned, which consequently deprives the place where I was situated of the greatest part of the water and land which might be cultivated, for this line approached within 200 yards of my house, which makes the place of no value either as a corn farm or a place for grazing.

5th. Being informed by Colonel Bird that the Landdrost had instructions to visit all the Locations about February last and report upon them I called upon Mr. Rivers in March, and requested to be informed whether it was his intention to visit my place. He answered in the most austere manner, "Sir, I shall not," and told me that if I was not satisfied I might memorialize the Governor. I replied he must be aware that I had done so long since, and that nothing could be done without his Report.

In conclusion I respectfully solicit the Honourable Commissioners particularly to revert to the following principal parts in this statement, namely that I was first intended to be located on a place where it was impossible to subsist, in the next attempt I was totally neglected by the Magistrate whose duty it was to see me properly located, obliged to establish myself in a place of no value without its being inspected and properly allotted. After I had made every arrangement to quit the Colony and return to England, I was then in consequence of the neglect and disappointments I had experienced promised a grant of land as some amends to induce me to remain where I was. This was not carried into effect, by one Landdrost because of press of Business at the time and his sudden dismissal, nor by the present Landdrost because he neglected to inspect and report upon my application to the present Governor for the same Land which had been granted by the former Governor.

And now I am creditably informed that a report upon my place has been made by the present Landdrost, who has never

seen it, but employed another person, who also never visited the Location, but made a return from the report of two men who were my articulated Servants, whom he met with at a Canteen in the neighbourhood. What the nature of that report is I am yet to learn. I am aware that it may be said if I had not been satisfied with Captain Somerset's conduct towards me I should not have signed my name to an address which was voted to him by the settlers; this was done on Public grounds which I can easily explain. It may perhaps also be advanced that as a proof of my abandoning my Location I had discharged my Servants. This I did because if I had not done so no person would have been justified in giving them employment during my absence. It was also a mutual understanding between these servants and myself that they were to be employed on my return on the same terms as expressed by their agreements.

In submitting this narrative to the Honorable the Commissioners I feel myself (though reluctantly) called upon to state that from the various circumstances detailed I have been deprived of all the capital I possessed and am without the means of realising any part of it, which induces me to hope that the facts I have advanced may be fully inquired into, as it is my intention to lay the same before the Government at Home on my return to England, if redress cannot be afforded me here. I cannot omit mentioning that I have been informed from respectable persons that it has been stated by the authorities at Graham's Town, that I had attempted to create discontent among the Settlers when last in the Zuurveld. This I conceive can only be an insinuation that I wish to stir up discontent against the Government, which I am bold to say I am as incapable of doing as any of those individuals who may have advanced such a report. With respect to my attachment to His Majesty's Government I can with confidence appeal to the Members of Parliament for Essex and for the Borough of Maldon in that County, to whom the Loyalty of my principles is sufficiently known.

In finally soliciting the attention of the Honorable Commissioners to that part of this Statement where I have made an Extract from a Circular Letter dated Downing Street 31st August 1819, stating that in allotting the Land to the

Settlers their Interests and their wishes would be consulted and attended to, without making any comment on the subject, I beg leave respectfully to submit to the Honorable Commissioners for their judgment to say how far my wishes and interests have been attended to. I have &c.

(Signed) D. P. FRANCIS.

[Copy.]

Memorial of MR. GEORGE GREIG.

To His Excellency LORD CHARLES HENRY SOMERSET, Governor of His Majesty's Settlement of the Cape of Good Hope, &c., &c., &c.

The Memorial of George Greig, residing at the Cape of Good Hope, Humbly Sheweth

That your Memorialist is by Profession a Printer and Stationer, and a Freeman of the Stationer's Company.

That your Memorialist for several years held a situation in His Majesty's Printing Office in London, which, owing to some new arrangements in that department, and other causes, he thought fit to relinquish, receiving at the same time from the Heads of that Department, testimonials honourable to his conduct and professional talents, which he has in his possession.

That your Memorialist embarked a considerable Capital in the purchase of materials used in the Printing and Stationery Business, with a view of following his profession in this Colony; and your Memorialist is therefore anxious to obtain your Excellency's approbation in attempting to establish himself in a profession to which he has devoted his early years, and the relinquishment of which must subject him to a very serious *pecuniary loss*. In prosecution of these views, your Memorialist is desirous of commencing a publication, which will embrace the ordinary topics of a Magazine: and more particularly such as are interesting to the Commercial and Agricultural part of the Community; but rigidly excluding

personal controversy, and all discussion of matters relating to the Policy or Administration of the *Colonial Government*.

That your Memorialist not only finds the Commercial Body of the Colony generally favourable to the above project, but has the satisfaction of being zealously supported in his views by many, who consider it highly important to their welfare and interests, that an established record of this nature should exist, to circulate authentic information in regard to current circumstances and as a work of *after reference*. In regard to the other objects of the work, your Memorialist deems it unnecessary to point out the advantages at all times derived from a free diffusion of knowledge ; it being indisputable that in proportion as just and liberal sentiments prevail in any community, the public character becomes more elevated, and the influence of *Religion* and *Morality* more deep and lasting. In support of this assertion, your Memorialist begs leave to refer to the Colony of New South Wales ; where since the establishment of a Newspaper and Magazine, a new and higher tone has been given to Society ; more liberality prevails between the different classes ; Men of literary acquirements devote their talents to the advancement of the general good ; Ideas have been suggested, from which the most important results are daily accruing ; the cause of virtue and religion is advocated in an agreeable and instructive manner ; and Vice and Licentiousness held up to detestation in language powerfully convincing, yet free from anything to which the most scrupulous decorum could object : in short, the whole Colony is advanced in comfort, its commerce greatly improved, and its Government less fettered and obstructed.

Your Memorialist is well aware, that in the event of your Excellency granting your sanction to the Establishment of a *Printing Press*, and the Publication of a "Literary and Commercial Magazine," there are various Individuals of literary talents in this Colony, who will be ready to afford their zealous support to this enterprise, in the view of contributing to the general improvement of the Colony, not only as respects its Commerce and Agriculture, but also in the still more important departments of Education, Morality and Religion. Your Excellency's anxious desire to promote these important objects cannot be doubted : your Memorialist only prays therefore

that you may be pleased to view his design as calculated to produce so desirable a result, while at the same time, the *restrictions* he has suggested in the plan, will obviate all danger of its ever conflicting, in any point with the Political system of the Colony.

In conclusion, your Memorialist begs to express his readiness (if required for your Excellency's satisfaction) to produce certificates of his Capability, in every respect, of properly conducting the projected work, which he now respectfully submits to your Excellency's consideration, humbly yet confidently anticipating, from your candour and justice, a favourable determination. And your Memorialist as in duty bound, will ever pray &c.

(Signed) GEORGE GREIG.

CAPE TOWN, July 1823.

[Original.]

Letter from SIR RUFANE SHAWE DONKIN to ROBERT WILMOT HORTON, ESQRE.

PALL MALL, August 1st 1823.

SIR,—In obedience to Earl Bathurst's commands, conveyed to me in your letter of the 19th ultimo, I was preparing such statements as the case required, when I found myself relieved from the very painful situation in which circumstances had placed me, by the receipt of letters and papers from Mr. D'Escury, inspector of lands and woods at the Cape of Good Hope, and which latter have been transmitted by that gentleman to your department.

These papers which I received by His Majesty's ship *Termagant*, that is to say, a considerable time *subsequent* to my letter of June 17th to Earl Bathurst, in which I spoke of "disclosures," (for the *Termagant* did not anchor till the 7th July,) contain in a detailed and authenticated form many of the "disclosures" which I was called upon to make relative to Lord Charles Somerset and his administration of the affairs of the Cape of Good Hope; and for me now to repeat that in which I have been thus anticipated, and which is officially

before you in the form of a direct complaint against Lord Charles Somerset, on the part of Mr. D'Escury, (a form which no statement of mine would have assumed,) would not only be a gratuitous interference on my part, in a matter from which I have all along so earnestly wished to abstain as a principal, but it would be a useless waste of your time to state matters on my single authority which Mr. D'Escury has detailed so circumstantially from his official desk, with accompanying documents and references; and he has moreover the advantage of being on the spot with the Commissioners, with whose duties I am anxious not to interfere, as I have said in my public letter of the 16th ultimo.

Relieved, however, as I now am from the more prominent and ostensible situation in which I found myself, I do not shrink from the performance of any duties resulting out of my late office at the Cape of Good Hope, and I feel that the Secretary of State for the colonies has a right still to all my best services in aiding the researches and investigations of the Commission; and as I took great pains to make myself intimately acquainted with the interests and the real state of the colony, I am most ready to point out, should I be required so to do, for Lord Bathurst's information, and (under his Lordship's approval) for the guidance of the Commissioners, such points as it may be expedient for them to direct their attention towards, and which will be a more efficacious way of eliciting truth than my drawing up any continuous detail here without documents to refer to; for, never anticipating such attacks as have been made on me by Lord Charles Somerset, (the character of one of which, relative to 112 grants of land, is sufficiently shown by Mr. D'Escury's papers, and by the enclosed letter from that gentleman to me,) and never having had the slightest wish to injure him, I did not bring one single inculpatory document against Lord Charles Somerset from the Cape of Good Hope. In fact from the first, that is, from my report of the 1st December 1821 to Lord Bathurst detailing the most extraordinary proceedings of Lord Charles Somerset towards me on his relieving me in the government, down to this hour, I have never sought for opportunities to censure him, nor have I written one word in the shape of attack on him, nor have I solicited or in any way encouraged

the mass of letters from the Cape with which my table is covered, on the nature of which I will not dwell ; but from two of which I will make extracts, as they relate chiefly to one of the disclosures I originally alluded to, and which I have incidentally made already relative to what appeared to me a waste of public money in the case of Mr. Parker, indeed I will go further back and refer to all my despatches whilst holding the government, in no one of which is to be found a single phrase tending to convey a censure on Lord Charles Somerset.

All my conduct has been either purely defensive, or where not defensive it has borne throughout the character of strict forbearance, or of active kindness to Lord Charles Somerset's family ; for when he left the Cape I declared that his two sons should never miss their father, for that I would be in his place ; and that I redeemed this pledge to the last I could prove by abundant facts, as well as by a letter from the secretary of the colony to Captain H. Somerset, which I shall beg leave to hand separately to you ; but which I do not connect with this letter, as it may appear irrelevant to it, but which I request may be communicated to Lord Bathurst, both in justice to Colonel Bird, and as a very striking proof of my forbearance.

The delay which has occurred in my replying to your letter of the 19th ultimo, has been chiefly caused by my careful and attentive perusal of Mr. D'Escury's voluminous but accurate statements ; and as you may have occasion for some explanation relative to local details alluded to in them, and which may be obscure to any person who has not been in the colony, I shall take the papers down with me to Cheltenham (to which place my health requires me to go) about the 12th of this month.

There is, however, one subject not alluded to by Mr. D'Escury to which I would beg leave to call Lord Bathurst's attention ; that is, the overturning of all my arrangements in Albany for the well-being of the settlers ; solely, as I was told Lord Charles Somerset had declared, because it was *my* work ; and I think it right that Lord Bathurst should know, that immediately almost after his landing, Lord Charles Somerset proceeded to the destruction of Bathurst and Frede-

ricksburg, as well as of all the municipal arrangements I had made, with which the settlers were themselves so delighted, which had so distinctly been approved by Lord Bathurst, and which I have strong reason to believe Lord Charles Somerset was directed to persevere in, even after he had left London for the Cape.

I have introduced this subject chiefly for the purpose of transmitting two memorials from the settlers, who complain that they applied all their energies, and laid out their money about Bathurst, on the faith of the local government, and now find themselves ruined by the destruction of all their hopes.

I feel for these poor people, whom I assured in my own name, in that of Earl Bathurst, and in that of their Sovereign, that they should find at all times "that they were not removed beyond the protection of His Majesty's paternal care and government." This declaration, which I had borrowed from one of Lord Bathurst's (may I take the liberty of calling it admirable) instructions for the colonization of Southern Africa, was re-echoed by the grateful settlers in their address to me immediately after I had laid the foundations of that town which just reared its head, but is now no more, and of which address I enclose a copy.

I will also mention Major Jones, late landdrost of Albany and commandant on the frontier. My reasons for appointing that most meritorious officer are already before the Secretary of State in my despatches, particularly the one dated Bathurst, June 5th, marked "separate," and the despatch to which it refers, written before I left Cape Town, but of which I cannot now quote the date. His dismissal was attended at the moment with the lamentations of all the settlers, who followed him to the limit of the district in the most affectionate manner, and then sent him an address and a letter to England, of which I enclose copies; and this dismissal has been followed up by all that disunion and mischief which I foresaw, and which I intended his appointment to obviate. But my introducing this officer's name at present is not for the purpose of expatiating on or lamenting over events which are now irrevocable; but to entreat Earl Bathurst's favourable consideration of this gentleman's case, who, by accepting

most unwillingly, at my solicitation, the office of landdrost at Bathurst, not only gave up and has *lost* the town majorship of Cape Town, worth about £400 per annum, but he has sustained a pecuniary loss of full £1,500 which, to a man of his small fortune, is so ruinous that he has been obliged ever since his return to live on the Continent.

I most earnestly beg leave to recommend Major Jones to Lord Bathurst's early and favourable consideration.

I beg leave to say in conclusion, that in the event of any of these papers coming before Parliament, I hope that as an act of fairness to me, and to which I am sure Lord Bathurst will be disposed to accede, my "*answers to the Remarks*" on my grants of land may form part of the papers produced; for if there be any one separate portion of my administration at the Cape to which I would refer in preference to another, either in illustration of my general views, or the principles on which I acted, it would be my conduct in the granting of lands, and my views for the agricultural improvement of the colony, on which subjects I differ as widely as it is possible to do from Lord Charles Somerset. I have, &c.

(Signed) R. S. DONKIN.

[Enclosure No. 1.]

INSPECTOR OF LAND'S OFFICE, CAPE OF GOOD HOPE,
6th May 1823.

MY DEAR SIR,—By the mail of this day, by H.M.S. *Ter-magant*, I have sent to you the papers I alluded to on the 15th of March last, in my letter of that date. Their contents will be an additional proof to you that I had no hand, as you were induced to suppose I had, in the "*Remarks*" in the lists of your grants sent home by Lord Charles.

Should, by chance, the list have been sent home as if it were a "*report*," and should the "*Remarks*" have been made to appear as having been made officially to Lord Charles from this office, I should feel obliged to you if you would take an opportunity to have this understood *not to have been the case*. I can easily prove to have, on the contrary, pointed out many objections to the list itself; and as for the

“Remarks,” I have not even seen a single tittle of them.
Believe me, &c.

(Signed) CHS. D’ESCUBY.

To Lieutenant-General Sir R. S.

Donkin, K.C.B.

Note :—The passages *in italics* are so in the original.

(Signed) R. S. D.

[Enclosure No. 2.]

See Vol. XIV, page 282.

[Enclosure No. 3.]

See Vol. XIV, page 285.

[Enclosure No. 4.]

See the Address to Sir Rufane Shawe Donkin in Volume XIV, page 213.

[Enclosure No. 5.]

Extracts from Letters, chiefly illustrative of the SUPPOSED causes which rendered it desirable to remove MR. W. PARKER from the Cape of Good Hope, and which was subsequently done at a considerable Expense to the Public.

After stating that Mr. W. Parker’s demands increased in proportion as anxiety was evinced to get him out of the colony, the writer goes on,—

“But I doubt whether even this will stir him ; he must have more—he is too deep in the *secrets* now, and it will not do to offend him. He knows that the trade of horse-dealing having slackened in consequence of the Boors being all ruined by the blight and storms, the public has been made, by the most extraordinary manœuvres, to supply the deficiency. He knows that the old Grootepost stallion was transferred to the Somerset* Establishment, and paid for at the enormous sum of 5,550 rix dollars, in order to enable Grootepost to pay 7,000 rix dollars for *Vanguard*, one of the new importations ;

* A Government farm so called.

and because this amount was insufficient to cover the demand for that miserable animal, two bulls of the Devon breed, not worth 100 rix dollars each, were also palmed upon the Somerset Farm, and Mr. Hart's, the accountant's books, stand charged with 1,200 rix dollars for them. I must add, that neither of the bulls reached their destination—one died at Port Elizabeth, and the other was killed on board the *Locust*.

“ Mr. Parker also knows that his friend Mr. Proctor bought one of the new importations for 6,000 rix dollars ; and had the rent of his farm, Bonteberg, reduced forthwith from 500 rix dollars, at which it had been granted in perpetuity by Lord Bathurst's order, to 200 rix dollars, thus amply paying him for the sum laid down ; but were I to enumerate all the anecdotes of this nature, I should be long, indeed, before I had done. The above are *facts* which may be proved from public official documents. The amounts paid and transferred are to be found in Mr. Klerck's account of the farms, and the ‘ *grant* ’ to Mr. Proctor at the reduced quit rent will speak for itself.

“ Everyone blushes here for the English character, but all this is *nobody's business*, and so we continue to lie under the national disgrace.

“ A Frenchman, the Baron de Richemont, has just left this place, where he has picked up all these anecdotes, and he is gone away quite loaded.

“ I will add one more anecdote as you know so well the *local* : Mr. Van Reenen is to have the woods in the rear of Newlands, which had hitherto been so carefully reserved for government, and the alienation of which absolutely spoils the Newlands' property ; but—hear the compensation !! It is well known that the hungry land at Newlands will with difficulty give a crop, and absolutely nothing without a large quantity of manure. Well, Van Reenen is to furnish 300 loads of dung from his adjacent cattle kraal, and thus is the only valuable part of Newlands *permanently* sacrificed to find Lord C. in green forage, cheap, for two or three years, perhaps for a less time, which Heaven grant.”

This is followed by a detail of the way in which Lord C. Somerset used to correct Mr. W. Parker's letters to ministers, members of Parliament, Mr. Wilberforce, and others here,

which that individual seems to have indiscreetly boasted of, particularly of one circumstance, as the writer says :—

“ Lord C. Somerset had expunged with his own hand from one of Parker’s letters to the King, a passage merely, because it paid a well-merited compliment to Lord Howden’s administration.”

In another letter is the following statement :—

“ The shameful traffic in horse-flesh goes on as before ! And the more disgraceful one of buying up spans (*i.e.* teams) of horses, and selecting the best of them for the use of the Governor and his son, at the price allowed by the Colonial government, and then turning over the refuse to the colonial cavalry, is still in full force ! There never was perhaps a man of such high birth as our Governor, holding such a situation, and receiving so great a salary, who could be found to debase himself by acts so low and disgusting to obtain money by horse-flesh. There is not in the world, I suppose, a man who is held in such general disrepute, or who is so despised and abhorred &c. &c. &c.

Cape Gazette.

“ **ENGLISH STALLIONS.**—To cover this season at the Government Farm at Groote Post, at five rix dollars each mare, and one rix dollar to the groom, the following famous English race horses :—

“ Walton, late property of His Royal Highness the Duke of York ; four years old, got by Walton, dam by Trafalgar out of Musidora. Vanguard, bred by His Grace the Duke of Grafton ; six years old, got by Haphazard out of Vestal, by Walton out of Dabchick, the dam of Vandyke. Vanguard won the King’s plate at Winchester in 1820, beating Euphrates and Merrymaker.

“ The greatest care will be taken of mares ; and good grass at three rix dollars per month.”

[Copy.]

*Letter from SIR RUFANE SHAWE DONKIN to R. WILMOT
HORTON, ESQRE.*

89 PAUL MALL, *August 1st 1823.*

DEAR SIR,—The enclosed is Colonel Bird's Letter to Capt. H. Somerset alluded to in my public letter of this date, and I have taken the liberty of drawing a Red line under certain passages which are particularly deserving of your notice, but the whole will develop so much to you that I am sure you will not think it too troublesome to go through with it, indeed as an act of fairness to Col. Bird, who has never been forgiven this letter, I request your attention to it.

Had I done my duty, had I not yielded to my personal desire *never* to do anything which could injure Lord C. Somerset or any of his family, I should have brought Capt. H. Somerset to a Court Martial and he *must* have been dismissed the Service. You have seen the return which has been made to me !

All this correspondence, and the uneasiness consequent upon it, make a short residence at Cheltenham necessary for me, and I shall leave Town on Saturday the 9th inst. I must beg the favor of being allowed to wait on you before I go, any day but Sunday and Monday next, when I shall be at Kenwood.

I beg &c.

(Signed) R. S. DONKIN.

[Enclosure in the above.]

CAPE TOWN, *October 2nd 1821.*

DEAR SOMERSET,—Your letter of the 30th of last month, which I received by the Post of yesterday, appearing to me to be written under very erroneous impressions and with feelings which are likely to lead to your serious injury, I am induced by the real friendship I feel for yourself and your father, to reply to it at some length, in order to endeavour to persuade you not to act under impulses which have their rise in error, and which if they were even correct, it is your interest to combat and suppress.

But first let me congratulate you, once more, on the termination of the fracas in which you had imprudently involved yourself. It is, I assure you, matter of lively satisfaction to me to think that the exertions of your friends led to the conclusion which ensued; for having felt and still feeling that you had put yourself in the wrong throughout and that the consequences could not but have been most fatal to your reputation and interests, had the course been adopted which was likely to have been pursued, it is indeed a pleasure to me to know, that the storm has passed for the present.

I speak thus freely and fully, because having advocated your cause with an almost unbecoming warmth, and having almost offensively persisted in supporting the line of defence which you had taken, although I was aware how easily it might have been shaken, you must be convinced that I can have no interest more at heart than *yours* in this affair.

You are wrong in supposing that this matter can or ever will be considered by dispassionate persons as a *private quarrel* between yourself and Sir Rufane Donkin. *It was by no means so, it was an insult from Captain Somerset to the Governor and Commander of the Forces.* The Governor, or Acting Governor, can on no occasion divest himself of the Character he holds of the "King's Representative." It is in this Character all Public servants know him, and in this and this only that he is entitled to our support and devotion.

You are equally wrong in supposing Sir Rufane to be your father's representative here, he is no such thing. He holds the authority by His Majesty's commands, signified to him through the Commander in Chief on one hand for his Military situation, and through the Secretary of State on the other for his Civil one. He acts in the King's name, and in the King's name only.

He holds his authority however only while your father is absent, upon his return his temporary command immediately ceases. While he commands here, he has precisely the same power and privileges which your Father had, and any accommodation he may have shewn your Father in giving up the lands &c. &c. attached to the Governor's situation was matter of pure Courtesy.

Those lands could not be alienated from his Government

and were, and are, under his superintendence. The claim you put in to interfere with anything left on the Government Property, is one which could not be for a moment supported. Your Father left no such Commission with you, and if he had you could not have acted upon it. . It is not my intention by this explanation to review all the circumstances which passed last week, let us rather bury them in oblivion ; but I wish to show you from this plain statement that you have misunderstood the import and circumstances of what passed on the road when Sir Rufane met you. It is true you met him in a state of great irritation, you are aware of the unusual interference which had caused that irritation, *but it is not correct in you to assert that any "unhandsome allusion was made to your Father" in any part of what Sir Rufane addressed to you on that occasion.* The impression Sir Rufane's observations made upon me was that he endeavoured to convince you of the nature of the Situation he filled, as I have above described it, and that because your Father had left a Team of Mules upon the Lands cultivated on his account at Newlands, it did not therefore follow that any other person than himself could by any means be allowed to interfere with that Farm.

In our many conversations since your return from the Frontier, *I have endeavoured to do away the opinion you appear to have unguardedly imbibed, that there was an hostility on the part of Sir Rufane towards you ; I cannot understand whence this feeling has originated, you have made no one application to Sir Rufane which he has not complied with, and of the many arrangements your father requested him to make, not one remains unexecuted.* This is a better proof of his feelings in your regard than what you may pick up from the idle tale bearers of this inventive Town. To these, I would have you if possible adhere ; but think not that I have any motive for giving you this advice beyond that of your own interest and that of the community we live in.

It is your interest and that of your Father, that he and Sir Rufane should meet upon apparently good terms and I wish to convince you that you will do yourself an injury by attempting to impede it as your letter to me insinuates that it is your intention to do ; the complaints which Sir Rufane, not only on the late, but on many other occasions, has to urge against your

indiscreetness, (for you know how everything is repeated here) are now smothered and will probably remain so, but flame only smothered is easily rekindled.

Let me entreat you therefore to consider this well and to act with that discretion in consequence, and which you would be the first to recommend to any other person. It is not decorous in you who hold a high situation under the Government of Sir Rufane to censure his conduct or administration. It is not politic in you to open your mind on these subjects indiscriminately to many persons, who repeat what you may say with exaggerations perhaps, which would stagger you to hear.

You may depend upon it that it is and must be Sir Rufane's wish to part from this Government in harmony with the authorities he will leave behind him, and this is and should be your guarantee for his receiving favourably those acts of conciliation to which he is unquestionably entitled.

I only call upon you for forbearance, and do forbear for your own interest and that of your family, I do it in the warmth of friendship, and in gratitude for favors I have received from your father.

I beg you will not mistake my intentions, but believe me
&c. &c.

(Signed) C. BIRD.

NOTE. A very short passage is omitted in the body of the letter, chiefly complimentary to myself, and I have caused it to be left out. Except that short passage the whole letter is here.

(Signed) R. S. D.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has been represented to me that the 4th and 6th clauses of my Proclamation of the 18th March last do not extend the same considerate advantages to Hottentots and prize negroes, and the children of Hottentots and prize negroes, as are by those clauses secured to slaves and slave children,

I do hereby proclaim and order that Hottentots and prize negroes and their offspring do, and shall enjoy all the privileges afforded to slaves and slave children by the aforesaid clauses, as far as they are applicable to them. I do also direct and authorize the respective colonial clergy to marry enfranchised slaves who have been baptized, without the necessity of their appearance before a matrimonial court, or of being asked in church, upon receiving through the local authority a certificate of their baptism, and that their intended marriage is not prohibited by the laws respecting consanguinity.

And that no person may plead ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my hand and seal, at the Cape of Good Hope, this 1st day of August 1823.

(Signed) C. H. SOMERSET.

[Original.]

Letter from the BISHOP OF LONDON *to* R. WILMOT
HORTON, ESQRE.

LONDON, August 1, 1823.

SIR,—As Chairman of a Committee appointed by the Society for the propagation of the Gospel to communicate with Earl Bathurst on the subject of the Lands at the Cape of Good Hope reserved as a Provision for the Church Establishment, I should have requested an interview with his Lordship or you ; but understanding that a Commission has been appointed for the purpose of enquiring into the State of that Colony, I beg leave to suggest the expediency of instructing the Commissioners to ascertain what measures, if any, have been taken to protect and improve the property, and to make it eventually available to the use for which it has been set apart. I have &c.

(Signed) W. LONDON.

[Original.]

*Letter from SIR RUFANE SHAWE DONKIN to ROBERT
WILMOT HORTON, ESQRE.*

89, Pall Mall, August 2nd 1823.

SIR,—With this you will receive my answer to that part of your letter of the 19th ultimo, which relates to the disclosures which that letter calls on me to make; but I beg leave to reply separately to that passage which relates to your returning to me my public letter of the 16th, in which you remark, that “as the correspondence between us had been in general marked *private*, it would be desirable that it should not be of a mixed character”; and you add, that you do not perceive any observations in my public letter which are not to be found in my private correspondence.

Permit me respectfully to point out to you in my public letter of the 16th (to say nothing of its general tone and character, so wholly different from my letter marked “private,” which accompanied it), the very prominent and distinctive reason given by me for not proceeding further; namely, that it would appear like an “ill-timed interference on my part with the Commissioners now at the Cape, and the object of their inquiries,” which is not to be found in my letter marked “private”; and to record it alone, I would request leave to re-transmit to you my public letter of the 16th; but, in addition to this, I will further submit to your consideration that the correspondence has, both in quantity as well as in the number of my communications, been more “public” than “private,” beginning with my letter of June 17th to Earl Bathurst, which has given rise to all this correspondence.

Moreover, you will pardon, I trust, my remarking that your objection to having this correspondence of a mixed nature can be obviated only by cancelling the whole of one species or the other, and not by cancelling the single letter which you have returned to me.

I hope you will not suppose for a moment that I am making these remarks in fastidiousness; my sole intention is, to justify in your eyes my now returning to you my public

letter of the 16th, which, in fairness to me, I beg may be received as my official and deliberate answer to your letter of the 3rd of July.

In regard to my having taken the liberty of addressing you at all in a private form, I was encouraged to do it by your first adopting that form in your letter of June 21st; and it would have been most ungracious in me to have met such a mark of courtesy on your part by the frigid repulsiveness of a strictly official answer; and although there is nothing in any letter of mine to you marked "private," which I should object to have known to all the world, as communications made in the rapidity and unreservedness of non-official correspondence, I should be very sorry indeed, as a mere matter of taste and decorum, that such a production as the one in question should go forth as my deliberate and only method of treating a grave subject with one of the greatest officers of the Crown; and I must, therefore, on this additional ground of propriety, ask leave to object to the separation of my private from my official correspondence.

I have, &c.

(Signed) R. S. DONKIN.

[Copy.]

Letter from MAJOR GEORGE PIGOT to the COLONIAL SECRETARY.

GRAHAM'S TOWN, August 2nd 1823.

SIR,—May I beg the favor of you to lay before His Excellency the Governor my humble request that I may have granted to me an Erf of Land in Graham's Town, Captain Campbell and Mr. Philipps my contemporary Heemraden having Grants of a similar description.

I shall also be obliged to you to lay before His Excellency the following statement.

I served the Office of Heemraad two years and a half, during which period I attended the Court (a distance of twelve miles) generally once a fortnight, was frequently kept away from my family and numerous party four days successively. My absence necessarily impeded the completion

of my arduous undertaking, and not having Land in the Town to erect a House, I had great difficulty in finding accommodation.

My great anxiety for the success of this new Settlement made me cheerfully submit to these impediments.

On the Establishment of the Drostdy at Bathurst I erected a House there, to enable me to attend my Duty in Court, the Secretary and District Clerk purchased Houses for the same purpose. On the removal of the Drostdy from Bathurst they were remunerated for their Losses by Grants of Land adjoining to Graham's Town, and I respectfully solicit I may be recompensed by a similar Grant. I have &c.

(Signed) GEORGE PIGOT.

[Copy.]

*Letter from MESSRS. PIGOT, PHILLIPS, and CAMPBELL
to the COMMISSIONERS OF ENQUIRY.*

GRAHAM'S TOWN, 5 August 1823.

GENTLEMEN,—In consequence of the very critical state to which we have been reduced, and in conjunction with a considerable proportion of the Settlers, we determined a few months since to forward to His Majesty's Ministers a concise Statement of our situation.

Confiding in the hope that your powers extend to such an enquiry, we have the honor to enclose a Copy of the Memorial ; it was our intention to accompany it with some explanatory remarks, but fearful of being considered too intrusive so early after your arrival, however pressing our necessities, we shall wait to receive your Communication ; and we shall for the present only observe that it will be a considerable gratification to us to learn that it is your intention to visit this part of the Colony, convinced that our difficulties cannot be justly appreciated but by a personal investigation on the spot. We have &c.

(Signed) GEO. PIGOT,
THOS. PHILLIPS,
DUN. CAMPBELL.

[Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to SIR
RUFANE SHAW DONKIN.*

EASTHAM, 7th August 1823.

DEAR SIR,—Having left Town on Monday Evening, it is only on this day that I have read the various Letters which you have addressed to me ; my proposition of your receiving back your public Letter of the 10 Ultio. is entirely answered by your counter proposal of having your correspondence marked " Private " considered as Public.

I have duly received your Note of the 1st instant marked private, inclosing Colonel Bird's Letter (a Copy) to Captain Somerset.

Your Public Letter returning your former public Letter, and your Letter of the 1st of August with its enclosures, in which you refer to the accusations formally proposed against Lord Charles Somerset by Mr. d'Escury, I will not fail to transmit to Lord Bathurst ; and had I been in town I should have had the honor of receiving you, and regret that accident has prevented my returning an earlier reply to your Letter in which you mention your intention of seeing me before you leave Town. I remain &c.

(Signed) R. WILMOT HORTON.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost
of Albany.*

COLONIAL OFFICE, 9th August 1823.

SIR,—Having laid before His Excellency the Governor your three Letters of the 10th Ultimo favorably reporting on the Memorials of Messrs. Samuel James, William Wait, and Richard Bradshaw, severally praying for additional Grants of Land, I am to acquaint you that His Excellency has been pleased to approve thereof.

I have &c.

(Signed) C. BIRD.

N 2

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to LORD
CHARLES SOMERSET.*

LONDON, 10th August 1823.

MY LORD,—I have the honour to acquaint Your Lordship by Earl Bathurst's direction that notice has been received at this Office from The Commissioners of the Navy that the *Borodino* Transport of 309 Tons will shortly be despatched from this Country for the purpose of removing from the Cape of Good Hope to Sierra Leone two Companies formed of such Men of the late Royal African Corps as were not discharged at the time that Regiment was disembodied. I have &c.

(Signed) R. WILMOT HORTON.

[Office Copy.]

*Letter from EARL BATHURST to LORD CHARLES
SOMERSET.*

LONDON, 10th August 1823.

MY LORD,—I duly received Your Lordship's Letter marked private enclosing a Proclamation with respect to Slaves at the Cape of Good Hope, and as the Scheme is a public one, and the subject essentially of a public Nature, I have thought it more convenient to reply to it in a public despatch.

It is impossible not to give Your Lordship every degree of Credit for the benevolent Motives which have induced You to take this step; but I am compelled to observe that upon a Subject of such peculiar delicacy it would have been desirable that Your Lordship should have transmitted home the Proclamation you have issued previously to its being carried into effect.

Your Lordship will perceive by the voluminous Enclosures which will be transmitted to You in another despatch how much the Subject of Slavery has occupied the attention of His Majesty's Government, and it is of extreme importance that

the General Measures for the amelioration of the Slave population should be, as far as Circumstances will admit, consistent, which Your Lordship will observe is not the case in several instances on a comparison of the provisions of Your Proclamation with the Instructions given to the Governors of the West India Islands; thus for example, in the 12th Clause of the Proclamation issued by Your Lordship, the Evidence of a Slave upon Oath after Baptism, may be received by the constituted Authorities, or Competent Courts the same as any other Christian. In the instructions given to the Governors of the West India Colonies, You will observe that the reception of that Evidence is not made to depend upon the mere ceremony of baptism, but upon a Certificate having been received from a religious instructor duly authorized that the Individual is fully Sensible of the Nature and Sanctity of an Oath; and Your Lordship will also observe that by those Instructions it is not considered adviseable to admit Slave Evidence in Cases where the Master of a Slave giving testimony is directly concerned. As it may perhaps be difficult to withdraw this clause in the Proclamation at the Cape of Good Hope if it is once promulgated, though there can be no question as to the propriety of the qualification which is to be introduced into the West Indies, Your Lordship will at once perceive the inconvenience of having any Law on this Subject promulgated without a previous communication with Government.

With respect to clause 4, I cannot perceive any conclusive reason why, if this clause be compulsory, it should be limited to *Christian* Slave proprietors.

With respect to clauses 8 and 9, unquestionably their operation is to give the proprietor a greater interest in a female Slave *not* of the Christian Religion than in one who has embraced that faith, and yet the contrary must evidently have been the object at the time the proclamation was framed.

I am also desirous of receiving information why—clause 10—a child born out of wedlock should not be directed to be baptized.

In clause 17, in addition to the regulation therein contained, the restriction should be imposed which is recommended in the Circular to the West Indies, of not allowing

the punishment to be inflicted on the day on which the offence is committed.

I have in conclusion to remark that the Sanctions of this Law consist exclusively of pecuniary Penalties which perhaps do not in all instances afford the most effective Security for obedience, and no directions are given in the Proclamation as to the Courts in which those Penalties are to be recovered, or as to the persons by whom an action for recovery of them is to be maintained. I have &c.

(Signed) BATHURST.

[Original.]

*Letter from MR. BISHOP BURNETT to ROBERT WILMOT
HORTON, ESQRE.*

GRAHAM'S TOWN, 12th August 1823.

SIR,—Your letter, dated 17th December 1822, in reply to my communication to Earl Bathurst, under date the 30th July, I have duly received. Had I contemplated, when submitting my grievances to Lord Bathurst, the description of notice they have engaged, I should have entered more into detail. I naturally supposed that such direct and unequivocal charges against the administration of an important branch of the British executive would have terminated in the result of that inquiry they challenged, rather than in the communication his Lordship has thought proper to make; but impressed with very different feelings since the receipt of your letter, I must be permitted to be more explicit. Did I conceive that Lord Bathurst was sufficiently informed on the state of this settlement; or that accounts simultaneously urged by Lieut.-Colonel Bird, with the strong representations I have been compelled to make, had not a baleful influence upon my prospects in this country, and seemingly upon even the integrity of my statements to his Lordship, I should consider replication a mere waste of words; convinced, however, that His Majesty's government have no instrumentality in very extraordinary proceedings in this colony, and that it is sincerely desirous to promote the prosperity of the

colonists, I retain sufficient confidence in its justice to hold myself warranted in making that statement I now lay before his Lordship. On reference to my letter it must be at once perceived that I have advanced no grievance or untoward casualty of any kind, with the single exception of the blighted wheat, but what I attribute exclusively to the influence of the colonial government, manifest or sinister; and when I add that the solitary exception alluded to, operating deplorably as it does upon the industry and prospects of others, has proved a very trifling impediment in the course of mine, a deduction so evident from the communication, I thought it incumbent on me to lay before his Lordship. Why, may I be permitted to ask, are those evils so exclusively retorted upon the providence of God, when alone attributable to the oppression and persecution of this government? My letter to Earl Bathurst charged it with having exercised that oppression and persecution. I detailed a long list of grievances, having no relation whatever to seasons or the operations of agriculture; and yet I am answered, that in his Lordship's opinion, they clearly appear to have arisen in common with those of other settlers, from the general failure of the crops throughout the colony.

In vindication, therefore, of my own consistency, I am bound to confirm the statement I have made by a separate illustration of every charge; however I may despair of producing conviction in any mind so capable of bias in its conclusions as to attach a long train of vexations exclusively "to the failure of the wheat crops."

Your next paragraph, I must be excused for saying, manifests a total misapprehension of the complaint it professes to answer; or betrays an entire ignorance of the measures pursued by this government with regard to the settlers. The colonists, on landing, were repaid one-third of their deposits, the government reserving the balance to reimburse itself for those charges it voluntarily incurred in affording to the new comers the means of transport to their locations, and that temporary supply of rations their peculiar condition rendered indispensable; but the residue of that pledge was so quickly absorbed by these disbursements (in some instances by waggon hire alone), and the necessity of further assistance

became so manifest before the emigrants could possibly derive resources from their own industry, that the acting governor, from mere motives of humanity, ordered a continuance of these supplies for twelve months longer ; at the expiration of which period, their condition appearing rather deteriorated than improved, a still further allowance was extended to them, and even after this a modicum of rice has been issued towards their support, thus continuing their chief maintenance by the government up to within a very few months of the present time.

When his Lordship is acquainted that this bounty of the government, so far from having been partially extended, was enjoyed by every individual throughout the emigration but myself ; that persons not having brought out parties, but circumstanced precisely like me, and equally without pretension to Lieut.-Colonel Bird's political eligibility, have received it ; that it has been alike extended to the gentleman, the artizan and the common labourer, nay, that emigrants of respectability, of distinction in their own country, and magistrates in this, have been in the full receipt of it for persons constituting their parties, whilst those persons have been in my service at high wages, and fed with supplies I had the utmost difficulty to collect at any price ; when told that labourers while in my employ derived the means of intoxication from the very sale of articles supplied them by government, which I had to purchase for their support, and that my exclusion from the least participation in this assistance has been throughout so personal and so pointed, as to occasion Captain Somerset (our then chief magistrate) reprehension for having granted me one issue of rations ; what can be said, sir, of that paragraph in your letter which purports to reconcile with justice the practice of such crushing intolerable partiality ? My claims too in this respect, if any could be justifiable, were surely as strong as those of Major Pigot, Captain Campbell, or any other person of respectability ; why then should I be denied exclusively that assistance deemed indispensable to their success, while they enjoyed advantages beyond those in question, from which I found myself exempted by deference to the advice of Mr. Goulburn, your predecessor ? With regard to the next passage in your

letter in which his Lordship is pleased to distinguish certain of my grievances by the term "special," I must admit the great perplexity I labour under in satisfactorily answering it, not from any fear I feel of establishing my statement, but from the difficulty I shall probably encounter in adopting a language sufficiently apposite and perspicuous to prevent the possibility of being again misunderstood.

That his Lordship "cannot conceive it to be possible that any individual could have been singled out for persecution, or incessantly harassed as I represent myself to have been" I can very well imagine, but this is no confutation of the fact; and I can see no reason why his Lordship should assume conclusions utterly at variance with the premises before him, or charge the just expression of my feelings, so long and so remorselessly outraged, with intemperance and indiscrimination.

The administration of the laws is such as I have stated it to be; that I have been oppressed, persecuted and harassed by the government, is a fact not only notorious, but a common theme of private discussion. I have not only sought redress at the hands of that magistracy and those authorities delegated to render it, but I have unceasingly urged it by every visible means, not only to them, but to the governor himself, until fresh persecutions have grown out of my importunity, my patience became exhausted by long suffering, and my pride subjected to the caprice, the contumely and the insolence of every upstart in office. In what part of my letter his Lordship could find an opposite admission, I cannot discover; on the contrary, the whole tenor of it, I will venture to say, is calculated to make a very different impression; my appeal therefore to his Lordship so far from being a preliminary measure, was one absolutely dictated by my despair of obtaining redress from any subordinate quarter whatever.

Your observations in answer to my complaint of partiality shown in the purchase of green forage by the commissariat, and the ultimate loss I sustained in consequence, have not the most distant reference to the grievance advanced, and are altogether the result of some very erroneous conceptions upon the subject; first, sir, give me leave to observe, that the forage for the consumption of the troops on this frontier is not, nor ever has been supplied by tender, but that the

grower's produce is taken *professedly* in the rotation of his offer, and the price invariably and arbitrarily fixed by the commissariat.

The Erven in and about Graham's Town are almost solely appropriated by the military, or were originally grants to that body. Many of these gentlemen have succeeded in their applications for erven when they and the government have known that their regiments were under orders to quit the colony!! Captain Trappes of the 72d has realized a fortune by this description of jobbing; one house alone built by the troops in Graham's Town, which I pledge myself to prove did not cost him five hundred rix dollars, he sold to the government for fourteen thousand; two other erven in or near the town have proved equally profitable to him; an erf at Bathurst has been just as productive; only a few weeks since he disposed of another grant from the government for nine thousand rix dollars, and he has various other grants in different parts of the colony. Captain Somerset has sold one erf for seven thousand dollars, offering for sale, since, a very extensive tract taken from the town liberties, for thirty thousand more: these gentlemen are all farmers, against whom it is folly for a settler to compete; their produce is uniformly preferred to the civilians, and this system has his Excellency's sanction, nay, so unblushing is this preference, that I have had repeated instances stated to me of the foragers being ordered on the approach of rain to desist cutting upon a civilian's land, and repair to the erf of such or such an officer; but my own particular grievance upon this head affords such abundant confirmation of the facts adduced, that I cannot do better than lay it before his lordship in detail.

From the profit attending the cultivation of green forage, I was induced to hire a farm in the neighbourhood of Graham's Town; his Excellency Sir R. Donkin ordered me a grant of land in consequence immediately adjoining it; determined, however, not to embark in this undertaking without certainty of finding consumption for my crops, I consulted with Captain Somerset, as commander of the Cape Corps, and received from him the most positive assurances that the troops would consume more forage than I could possibly bring forward.

Thus warranted I commenced ploughing, after having to construct every implement of agriculture, from the refusal of the authorities to allow me any issues of these materials from the stores. My crops were considered fine. At the proper stage of growth I acquainted Captain Somerset that my supply awaited him, and was told that the foragers should commence with me the following day. A week, however, elapsed without their appearance, and I renewed my application: the following day was again announced, but no foragers came; and in this way three weeks passed on of rapidly-maturing weather. At this juncture Captain Somerset informed me that he had nothing more to do with forage, the commissary having resumed to himself the privilege of appointing when it was to be cut; and another fortnight was lost in consequence. At length six days supply was taken from my crop, and when my turn again came round I was again neglected to give the preference not to a needy subaltern or retired serjeant, to a shopkeeper or mechanic, but to Captain Somerset himself, the commander of the regiment, the chief magistrate of the district, and this too out of turn! After two days further cutting, my barley was declared to be too ripe, and no more was taken from my farm. Captain Somerset subsequently promised me the assistance of some troopers in reaping it for seed; but unfortunately while I meditated a fourth application upon the subject, the horses from the barracks made an incursion into the corn, from which no efforts of the soldiery could remove them till every acre was so completely poached and trodden down as to render any attempt at reaping futile and unavailing. Such, sir, was the fate of above seven thousand dollars worth of green forage, and yet upon this head I am told that I cannot be considered to suffer any real grievance.

The tenor of your next paragraph has again not the remotest affinity to the complaint it discusses. It points out with precision the evil to which we are exposed, and suggests a remedy, which it might be presumed the owner of cattle in this colony would soon become acquainted with; but it indicates no resource should this remedy prove unattainable; it promises no inquiry, with a view that if substantiated, redress may follow.

That his Lordship may, however, learn the inapplicability of the existing laws, or at least their practice to the casualty in question, and that I have not failed in my exertions to prevent its recurrence from the outset, I must observe, that it was from long experience of their relaxation or utter inadequacy that I made my complaint, and that my instances of scandalous abuse in the pounding system are too numerous to be detailed in ten times the compass of this communication.

With reference to his Lordship's doubt upon that passage in my letter which imputes to the authorities in this colony an undue partiality to the Dutch, I shall not trespass upon your time with any observations attempting to remove it, both because to me, disgusted as I am, and only anxious to quit such a country, it is a matter of perfect indifference, and that it has acquired too well authenticated a notoriety to leave me any credit at stake by my silence.

Having now, sir, replied to your letter in terms as concise as the subject would allow, I have to add to the list of grievances already before his Lordship some fresh aggressions on the part of this government, I will venture to say, unparalleled in the records of persecution, because in inflicting them all the restraints of law and equity have been thrown aside, as if the ordinary modes of crushing an obnoxious individual were too dilatory, and insufficient to the impatient despotism of this arbitrary government.

The first year of my application to the object for which I emigrated was characterized by that extent of enterprise which naturally occasioned the train of disappointments enumerated to fall upon me with corresponding weight. At this juncture a claim was enforced against me in violation of a parole engagement, and carried through all its gradations, without knowledge of its progress on my part, to what the colonial law calls a sentence. Notwithstanding I tendered legitimate assets to discharge it, and that my landed property alone was estimated to be worth six times the amount of any incumbrances upon it; notwithstanding I memorialized the governor upon the severity of this course, and protested against its illegality, these representations were wholly disregarded, and my name was publicly branded with insolvency. I might well pause here to exclaim at the

infamy of such proceedings, even admitting it had been legal, when our claims to the most extended consideration of the government, on the score of policy as well as humanity, are reflected upon. My property was forthwith advertised for public sale ; my labourers and even household servants discharged by order of the landdrost ; I was compelled to forego undertaking a very profitable contract ; my credit was totally ruined, and my prospects in this colony apparently blasted altogether. In this condition, sir, have I lingered sixteen months. The sale was as arbitrarily suspended as it was illegally advertised ; and in spite of memorials, remonstrances, and the most earnest entreaties, I can neither induce the government to sell my property and let me quit the colony, or relieve me from those disabilities their slander has entailed ; so that I am in the anomalous predicament of possessing property in land alone six times above the amount of my debts, which I am illegally withheld from discharging, and at the same time a proclaimed bankrupt, denied even the rights of insolvency. If this, sir, is not injustice and oppression, and these of the foulest character, they have no existence upon earth, but are the mere chimera of a morbid imagination.

I am aware that charges of this nature, however solemnly urged, are not entertained upon mere assertion by His Majesty's Government, or I should not find myself under the necessity of repeating these. If this scrupulosity can, however, be at all removed by a statement of facts so corroborating as to throw light upon and confirm each other, my complaints may probably awaken more attention when I add, that this stab upon my credit has been declared illegal by the justiciary commissioners in public court more than nine months since, causes entirely depending upon its legality have been decided in my favour, and still so far from obtaining redress, not the first step towards it is conceded—a public repeal of this iniquitous advertisement.

The government is aware of the dilemma into which it has plunged, but with no means of extrication but what must proclaim its folly as well as its injustice, and with a latent hope that I shall be wearied by its perseverance, it continues to heap wrong upon wrong from want of integrity to redeem its error. What, sir, would be the feelings of a

British merchant, on taking up a newspaper, to find his name, whether from malice or mistake, inserted in the bankrupt list ? and what atonement could be made him for the infliction of such an injury ? Such a case is, however, but faintly analogous to the one before you. Another instance of flagrant injustice is the refusal of the government to discharge a claim I have upon it for grass supplied the Cape Cavalry. Captain Somerset took this grass absolutely against my wish, although with a promise that it should be paid for ; on applying for the necessary voucher to authorize its payment by the commissary, he promised upon his honour not to leave Graham's Town without giving it, this, and a subsequent pledge to the same tenor, he has infracted, and the claim continues undischarged. By what language such an affair should be characterized before the high functionary to whom it is addressed I am not statist enough to determine ; but the terms, if I may venture to disclose them, in which it is spoken of here are just enough to name it a disgraceful and unblushing robbery.

If the grievances I have already advanced are insufficient to claim the interposition of his Lordship, it would be folly to swell the aggregate by the detail of a hundred minor arrogances I have unceasingly experienced ; it is to me a subject of sincere regret that I should find myself, for the first time in my life, at issue with persons in authority, and under the necessity of calling his Lordship's attention to communications no doubt deemed puerile and unimportant ; but as they are nevertheless to me of vital consideration, and the cast of my life may probably be influenced by the notice they engage, I trust his Lordship will give them that attention I solicit, especially when informed that I have not another capital to disburse for the capricious dissipation of another government.

Why I should have been so persecuted is to me a matter of as much astonishment as the relation of the fact appears to have been to Earl Bathurst, because my conduct in this colony has uniformly challenged a very different treatment ; but, as every person of superior pretension is more or less involved in this hostility, I can only conclude it to be an essential of that system whose manifest tendency is to crush

the independent, disgust the intelligent, and continue the colony in its primeval state of vassalage and slavery. If instances were wanted to confirm this opinion, it would be only necessary to cite the arbitrary removal of Captain Campbell from the magistracy, and the motives of Major Pigot for quitting it; two men beyond all others in the district so eminently qualified to contribute by their integrity and their exertions to its prosperity.

If beyond this I may be permitted to hazard a mere personal conjecture, sanctioned as my opinion is by the concurrent testimony of every intelligent traveller who has visited us, I might add that the arrival of the settlers in this colony was a matter of grievous vexation to Lieut.-Colonel Bird; he has spared no efforts to defeat the object, and frustrate the energy of their enterprize; he has been marked, personal, and undeviating in his attempts to degrade the respectable, the well-informed, and the superior portion of the emigration, by acts of his administration that could not possibly have any other tendency; and to his influence, and his alone, is universally attributed every misery beyond the wheat failures the settlers have experienced. Whether he is jesuit, mussulman or pagan, is in the general estimation here a point of no importance, his offensive privileges lay alone in that extraordinary influence and domination he has attained, and which are esteemed extra-official, and not recognized by the mother government.

Upon the whole, instead of finding myself in that situation of respectability and independence, to which I brought with me paramount pretensions, and to which my conduct furnishes an additional claim, instead of finding the capital I have sunk gradually retrieving itself, as the expected reward of my industry and perseverance, I am opposed in every possible way by the government—my name illegally branded by it with bankruptcy, my first demands upon it withheld, denied exclusively the protection deemed necessary to every other settler, and my abstract pecuniary condition some thousands worse than when I embarked in this ill-fated enterprize, so deceived and so opposed by the rulers of this colony.

I have confined myself in this letter to my own particular

grounds of complaint against the colonial administration, because it is my decided intention to vindicate the emigration generally by publishing its history. In this development of a string of facts, as extraordinary as ever interested the public, will be found my apology for the presumption, but in better motives than the provocation I have received, the object of their disclosure.

I should fully account for so long a period intervening between the receipt and acknowledgment of your letter, but that a statement of the causes of this delay might produce renewed accusations against me of intemperance and indiscrimination, terms, it appears, applicable to consequences, without the necessity of reference to their origin, a principle which inflicts additional agony upon the victim immolated in proportion to the expression of his pangs. I am, &c.

(Signed) B. BURNETT.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 14th August 1823.

MY LORD,—I transmit to Your Lordship herewith an Extract from a Statement which has been made to His Majesty's Government enumerating the Losses which the public has sustained in consequence of a Deed of purchase having been cancelled under which Mr. William Parker held some Government Lands &c. at the Cape of Good Hope, and by the remission of certain duties to which the public was entitled from the sale of that property, and to these alleged Losses is added a specification of Sums advanced to Mr. William Parker from the Bank of the Colony, and from the Military Chest under the Head of Passage Money; and as these circumstances are stated to have taken place under Your immediate Authority, and appear to require Explanation, it becomes necessary that I should instruct Your Lordship to report to me in detail the reasons which rendered it expedient in your opinion to cancel the deed under which

Mr. Parker was bound to complete the purchase of the Property in question and to pay the transfer duties as well as interest on the purchase money, and that Your Lordship would at the same time state the grounds on which you considered it advisable to sanction the Advances said to have been made to that person from the Sources above described.

I have &c.

(Signed) BATHURST.

[Extract.]

When Mr. William Parker bought the Estate called old Government	<i>Rixds.</i>
Post at Auction it was knocked down to him at	13,333
After Lord Charles Somerset cancelled that Sale in favour of Mr. Parker it sold for only	6,666
<hr/>	
Which caused a loss to Government of.	6,667
Interest and transfer duty given up, full	1,600
An advance from the Bank	3,000
And £250 from the Military Chest as passage Money	3,000
<hr/>	
Rix Dollars	14,267

If it be contended that Mr. Parker had a hard bargain at the Sale, there are two Answers ready, one of reasoning, the other of Fact. The 1st is Mr. Parker bought the land with his eyes open at public Auction with all the Documents and Circumstances before him, and after a long residence not far from the spot ; if therefore a public government sale of this sort is to be annulled, and for a man too who assuredly had no claim on the public, no government Sale can hereafter be considered as closed or secure. But the fact is, it was not a hard bargain, for the representative of Mr. Colebrooke, a Gentleman of Fortune, was the next bidder to Mr. Parker, and was very near him, and by universal opinion the property was worth the money ; but after being a considerable time in Mr. Parker's Hands, where it was much neglected and deteriorated in every way, and the Colony moreover in great pecuniary Distress, the Second Sale produced only the very small Sum cited, and this is not to be wondered at.

RETURN of the Amount of the several TAXES levied on

	1815.	1816.	1817.	1818.
	<i>Rds.</i> <i>sk.</i>	<i>Rds.</i> <i>sk.</i>	<i>Rds.</i> <i>sk.</i>	<i>Rds.</i> <i>sk.</i>
Water Tax : :	15,000 -	15,000 -	15,000 -	17,000 -
Caffre Commando : :	15,000 -	15,000 -	15,000 -	15,000 -
Income Tax : :	15,000 -	15,000 -	15,000 -	15,000 -
Hearth Monies : :	6,500 -	7,000 -	7,000 -	7,000 -
Amount deducted on account of poverty and alterations made in the charges, on the application of the parties concerned . .	51,500 - 1,289 -	52,000 - 774 4	52,000 - 963 4	54,000 - 1,504 2
Arrear still due :	50,211 - - - -	51,225 4 - - -	51,036 4 256 -	52,495 6 1,360 -
Total Receipt :	50,211 -	51,225 4	50,780 4	51,135 6
Amount paid to Government yearly on account of the Water Tax . .	15,000 -	15,000 -	15,000 -	15,000 -
Amount paid to Government on account of the Caffre Commando, and in the year 1819 for the purchase of 150 horses, and expenses attending the expedition to the Frontier : .	35,211 - 15,000 -	36,225 4 15,000 -	35,780 4 15,000 -	36,135 6 15,000 -
Amount applied to public purposes	20,211 -	21,225 4	20,780 4	21,135 6

the Inhabitants of Cape Town, since the Year 1815.

1819.	1820.	1821.	Extra, 1821.	1822.	Extra, 1822.
<i>Rds. sk.</i> 18,259 -	<i>Rds. sk.</i> 20,696 -	<i>Rds. sk.</i> 22,382 -	<i>Rds. sk.</i> 10,321 -	<i>Rds. sk.</i> 27,888 -	<i>Rds. sk.</i> 10,602 4
20,910 5	15,358 6	15,447 2	- - -	16,243 -	—
15,417 -	15,360 2	15,448 6	- - -	16,255 -	—
7,330 -	9,043 4	16,502 4	- - -	16,370 -	—
61,916 5	60,458 4	69,780 4	10,321 -	76,756 -	10,602 4
2,592 4	—	—	—	—	—
59,324 1	60,458 4	69,780 4	10,321 -	76,756 -	10,602 4
707 6	3,988 4	4,104 4	1,061 -	15,388 7	2,648 4
58,616 3	56,470 -	65,676 -	9,260 -	61,367 1	7,954 -
15,000 -	15,000 -	15,000 -	—	—	—
43,616 3	41,470 -	50,676 -	9,260 -	61,367 1	7,954 -
20,910 5	15,000 -	—	—	—	—
22,705 6	26,470 -	50,676 -	9,260 -	61,367 1	7,954 -

CLASSIFICATION OF INCOME.

1st Class	from	30,000	to	20,000	<i>Rds.</i>	187	4
2nd ditto	.	20,000	.	15,000	-	131	2
3rd ditto	.	15,000	.	10,000	-	94	0
4th ditto	.	10,000	.	8,000	-	67	4
5th ditto	.	8,000	.	7,000	-	56	0
6th ditto	.	7,000	.	6,000	-	49	0
7th ditto	.	6,000	.	5,000	-	41	0
8th ditto	.	5,000	.	4,000	-	34	0
9th ditto	.	4,000	.	3,000	-	26	4
10th ditto	.	3,000	.	2,000	-	19	0
11th ditto	.	2,000	.	1,500	-	13	0
12th ditto	.	1,500	.	1,200	-	10	0
13th ditto	.	1,200	.	900	-	8	0
14th ditto	.	900	.	600	-	5	4
15th ditto	.	600	.	300	-	3	0
16th ditto	.	300	.	100	-	1	4

I, the undersigned, declare to belong to the Class.

RETURN of TAXES levied upon Houses, Stores, and Cellars, occupied by Household-ers, for the Water-leading; viz:

Houses from the 1st Class at <i>Rds.</i> 20					
-	-	2nd	-	-	15
-	-	3rd	-	-	12
-	-	4th	-	-	10
-	-	5th	-	-	8
-	-	6th	-	-	6
-	-	7th	-	-	4
-	-	8th	-	-	3
Stores	:	:	:	:	3
Cellars	:	:	:	:	3

CAPE TOWN, CAPE OF GOOD HOPE,
15th August 1823.

By command of the Burgher Senate,

(Signed) P. J. TRUTER.

[Copy.]

Letter from the REVEREND W. R. THOMSON *to the*
COLONIAL SECRETARY.

CHUMIE, 15th August 1823.

SIR,—I had the honor to receive your letter of the 18th July on my return from a visit to Pato and his Brother in company with Mr. Shaw. It is gratifying to me to find that His Excellency the Governor approves of the situation fixed upon for the establishment of Mr. Shaw. In conformity to a sense of duty I accompanied Mr. Shaw in his first visit. After some difficulties with Gaika who seems jealous of the increase of Colonial influence among his people, we obtained his consent and set off on the 25th ulto. Our first conference with Pato, his Brothers, and chiefs, was not very satisfactory. They expressed a great desire to have instructors, but pleaded that they could not offer a place to settle in, as the whole territory they themselves occupied properly belonged to 'Tslamby. It was evident however that this was merely an artifice to introduce a discussion respecting the neutral Country. Having explicitly stated the answer of His Excellency to a former request of Gaika on the same subject, we insisted that they had a fair and honest right to retain possession of the territory which they now occupied against every claim of 'Tslamby. On the following day being again assembled we found them unanimous in requesting Mr. Shaw to settle among them. Two places were mentioned as likely to be suitable. Congo and a younger brother accompanied us to view them, but to us they appeared very unfavourable, at least for any agricultural purpose. After being detained two days in a hut by excessive rains we returned to Pato's with the view of asking a place more immediately in his neighbourhood; and if none could be found there to examine the Country more to the Eastward. Before entering Pato's kraal we crossed a small valley which attracted our notice as a favourable situation; on examination it appeared altogether desirable, except a want of water for extensive irrigation. It was therefore immediately determined to fix the Establishment here with permission of the chiefs, which was cheerfully

given. But what may be reckoned its greatest advantages are its contiguity to the residences of Pato, Congo, &c., and the great population by which it is surrounded. It is within two or three hundred yards of those chiefs' kraals, and is the centre of a population within two miles of at least one Thousand People including the chief Habana. During our ride in this part of the country we were sorry to observe so many proofs of the predatory habits of the people and of the illicit trafficking of Colonists. We frequently observed horses, and, had we been able to distinguish them, we would no doubt also have found multitudes of Colonial cattle. They are more wealthy in beads, buttons, rings, &c. than in any other part of the Country. These are facts which of themselves fully demonstrate the necessity of some corrective measures, and lead me to hope that Mr. Shaw's residence among them will operate as a restraint upon them, favourable to the interests of the Colony.

Feeling as I must do a warm attachment to the Glasgow Missionary Society, it is gratifying to me to find that His Excellency sanctions the views of the Directors in regard to this Country. I have every reason to believe that their Instructions to their Missionaries will be uniformly the same : to submit to and respect such regulations and restrictions as His Excellency in His wisdom may find necessary to impose. On Mr. Ross's arrival (the young man alluded to by Dr. Them) I would propose that he remain at this Institution a few months to acquire a little knowledge of the people and some experience of the situation he is to fill. Afterwards in conjunction with Mr. Bennie, who is still here and has rendered himself useful in discharging the general duties of the Institution, they might establish themselves with one of the other principal border Chiefs, which would tend still further to secure the advantages to be expected to the Colony from the Establishment of Missionary Institutions in this Country. I have &c.

(Signed) W. R. THOMSON.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 16th August [1823.]

MY LORD,—I do myself the honor to introduce to your Lordship's favourable notice the Brother of Sir James Hawkins Whitshed who has been appointed Agent of the East India Company at the Cape of Good Hope, and will shortly proceed to the Colony to take upon himself the duties of that office.

I have &c.

(Signed) BATHURST.

[Original.]

Letter from CAPTAIN R. C. HARKER *to* EARL BATHURST.

UNION PLACE, WEYMOUTH, 19th August 1823.

MY LORD,—I have to apologise for this novel mode of addressing your Lordship, unaided by the interest of friends, whom I have felt unwilling to trouble on this occasion.

I have my Lord, but lately retired from the service, in which I served twenty-one years; the expenses of an encreasing family having obliged me to sell my company, when at the head of the Captains of the Army.

With the view of seeking a provision for my numerous family I have decided on emigrating; and have directed my attention to the Cape of Good Hope.

I have therefore to solicit your Lordship's permission, to be allowed to settle in that Colony.

My family consists of my wife, seven children, an aunt who has resided with us many years, a man servant, his wife and their two children. If the constant services of an old officer (whose pride it is to say his conduct and character will bear the strictest investigation) can in any shape entitle him to a claim to your Lordship's consideration he would presume to solicit your Lordship to recommend to the Navy Board (in the

event of their having the means) to furnish a passage for himself and family to the Cape.

The being provided with a free passage, by the kind consideration of your Lordship, would be a matter of the greatest consequence to me, thereby enabling me to reserve the means of providing for the future comfort and respectability of my family, and for which I beg to offer the true gratitude of my heart. I have &c.

(Signed) R. C. HARKER,
Late Captain 15th Foot.

[Original.]

Letter from MR. JOHN INGRAM to R. WILMOT HORTON, ESQRE.

CORK, 19th August 1823.

SIR,—I know not how to apologise to you for again troubling you, but when I inform you how I have been treated in a Contract for 150 Barrels of Beef, the only articles I now want to compleat my Contract with His Majesty's Government, you will I am certain do me a kind service.

I concluded a Contract for 150 Barrels of Beef with the house of Daniel Callahan and Co., and they delivered in a Sample Barrel which was approved of by the agent for Transports, Mr. Lewis, (which he kept) and on delivery of the remaining 149 Barrels, Mr. Lewis found them of so infamous a quality he of course rejected them, knowing I was to pay a High Price by my Contract (£3 5s. Irish per Barrel) and on their being returned to those persons (for the name of Gentlemen they do not deserve) they said we have no other, and desired me to seek my remedy, knowing as they do, I cannot remain in Cork to make them suffer for it at Law. I have searched all this city, and have been unable to procure a single cask.

What I have now to request of you to do for me, is that you will be pleased to give directions to the Navy Board to issue an order to their Agent at Cork to let me have One Hundred and Fifty Barrels or One Hundred Tierces of Beef, charging me such price as they may think proper, taking my

Bill on the Treasury or Payment here, as the case may be, for the same, as all my people, Bedding, Bread, Rice, Meal, and Pork are now on Board, and only wait this small quantity of Beef to set sail.

I pray you to excuse this trouble and it will add to the many favors already conferred on me. I am Sir &c.

(Signed) J. INGRAM.

[Original.]

*Letter from MR. THOMAS PRINGLE to the COMMISSIONERS OF
ENQUIRY.*

CRADOCK PLACE, August 19, 1823.

GENTLEMEN,—When I had last the honour of waiting upon you I took occasion to mention that Mr. Faure and myself were disposed to let our project of a periodical publication lie over for the present and would not therefore trouble you by soliciting any immediate consideration of it. Within these few days however I have been urged with offers and proposals on this subject from other quarters, and some of them of such a nature as to induce me now to solicit the favour of a further conversation with you for the purpose of more explicitly explaining my views and discussing any objections that may possibly exist in regard to their prosecution. I am at the same time very unwilling to appear to you in any degree intrusive or importunate on any subject whatever, and I therefore beg to add that deeply interested as I am in regard to the present, both on personal and public grounds, I shall cheerfully postpone or entirely forego all concern with it should you feel at all disinclined to enter upon its consideration at the present time. I have &c.

(Signed) THOS. PRINGLE.

[Office Copy.]

Mr. Ingram's Indentures.

Substance of the Indentures which Mr. Ingram engages to enter into with such persons as proceed at the public expence from Cork to the Cape of Good Hope, as his artied Servants ; Mr. Ingram binding himself by Bond to repay with interest the sums to be advanced to him for their Passage unless within a time to be fixed he exhibits proof to the satisfaction of the Crown that the conditions of the indentures have been duly observed : and further that no one of the party of 50 persons whom Mr. Ingram takes out at his private expence become chargeable on the public for Provisions &c. during the period of their indentures.

To the following articles, other clauses more beneficial to the parties indentured may be added ; but none inconsistent with those particularly prescribed are to be admitted.

1st. That the period of service of the men and women whom Mr. Ingram takes out at the public expence shall *not exceed* three years, and for the children Seven years.

2nd. That the wages of the Men shall not be *less* than one shilling sterling per diem, and of the women sixpence.

3rd. That Provisions shall be supplied by Mr. Ingram in the same proportion as Rations are issued to the Men, Women, and Children of His Majesty's troops in the Colony. Boys above fourteen years of age receiving the same allowance as the Men, and Girls of the same age receiving an allowance equal to the quantity supplied for the Women.

4th. That lodgings be provided for the several parties indentured, and clothing for the use of the Children.

5th. That any Transfer of Indenture shall be with consent of the Parties indentured.

6th. That medical treatment shall be provided by Mr. Ingram, and that any deduction from wages on this account shall not *exceed* for the Men sixpence a week, and for the women threepence ; the Children to receive medical treatment gratis.

7th. That the parties indentured shall engage to perform during the period of their Indentures such moderate and

reasonable work as they shall according to their Indentures be required to undertake on Mr. Ingram's account; the working hours to be regulated by the custom of the Colony in this respect, but not to exceed the legal working time of 12 hours a day during six days of the week.

8th. That deductions for Medical treatment shall not *exceed* the Rates before specified.

9th. That disputes or altercations between Mr. Ingram and the Parties indentured may be decided by arbitration, each party selecting a respectable and disinterested person by whom a third may be chosen as umpire, and the decision of the three to be binding, provided that the parties, previous to embarkation, are willing to engage themselves to submit to such a mode of decision.

10th. That in case any of the said Parties indentured shall be found guilty of Felony or breach of Laws established or to be established in the said Colony (by which they lose their liberty) they shall forfeit all claim to wages during the period of their confinement.

11th. That in case of the death of Mr. Ingram the Parties shall continue their engagement to his heirs, Executors, and Administrators as long as the conditions of the Indentures shall be duly observed by such Heirs &c.

12th. That the Parties indentured shall engage to conform to such Rules and Regulations for the maintenance of good order, morality, and good conduct as shall be made by Mr. Ingram, and sanctioned by Officers of Justice of the Colony.

The Bond entered into by Mr. Ingram binds him to provide shipping at the rate of Two Tons for each person embarked, with Bedding, medical treatment, and Provisions to be issued in rations daily; viz. 1 lb. of Meat, 1 lb. of Bread, 2 oz. of Rice, 2 oz. of Meal, 1 Gallon of Water.

The Vessel, Provisions and Medical Stores to be inspected by Officers of the Navy Office, and no Issue of Money to be made to Mr. Ingram until after it has been reported to Government that the Embarkation at Cork has taken place.

[Copy.]

*Extracts from the Minute Book of the Commissioners of Inquiry.**Wednesday, 20th August 1823.*

Lieutenant Colonel Bird (Colonial Secretary) waited upon the Commissioners pursuant to their request and entered into an explanation of the condition and circumstances of the Emigrant settlers and of our relations with the Caffre tribes beyond the Frontier.

Colonel Bird was of opinion that the removal of the local Magistracy from Bathurst to Graham's Town was a just ground of complaint with the settlers. That the Land in the neighbourhood of Bathurst is well watered and fertile, and that Twenty-five Thousand Rixdollars had been expended on the public buildings there. He stated that a despatch had been received from Earl Bathurst approving of the establishment of that Town, which despatch was taken by Lord Charles Somerset and was not restored to the Colonial Secretary's office for record, but that he had retained a copy of it. That the navigation of the Kowie had been ascertained to be practicable before the abandonment of the Town.

Colonel Bird produced a plan of the proposed Town and environs and another of the District of Albany shewing the locations. He pointed out that the outspan places around Bathurst had been preserved, whilst a fifth part of *this* essential ground had been appropriated to Major Somerset by a grant from the Governor his Father, who was therefore interested in the change that had been effected.

Colonel Bird did not regard the abandonment of the post at Fredericksburg to have been equally injurious to the Settlers. It might have served to protect them, had it been garrisoned by regular troops, but the discharged soldiery located there had committed many irregularities, and were properly withdrawn. The advanced posts at Forts Willshire and Beaufort are all that now remain.

Colonel Bird was of opinion that the grants would need to be considerably extended, and that a wide range of pasturage would be required by the Settlers to enable them to subsist. He admitted that by this change of habit they would be more

exposed to the cupidity of the Caffres, who could not resist any temptations to steal the Cattle of the Colonists.

The reports of Mr. Thomson and the Missionaries employed by Government beyond the frontier speak of the tranquillity that prevails, of the amiable disposition of Gaika, and the weakness of the subordinate chieftains. They recommend a regulated traffic under the superintendence of a Magistrate, as the best mode of checking the illicit one that prevails. In perusing the instructions addressed to Mr. Brownlee a Missionary in 1818 by order of his Excellency the Governor, and which was produced to the commissioners by Colonel Bird, it appeared that he was enjoined to guard against any future attempt to traffic in slaves with the British settlers, a caution that was expressly stated to have proceeded from the occurrences and trials which had already reflected disgrace upon the settlers in the encouragement given to the Caffres to barter their people or those of other tribes for certain articles in request among them. Colonel Bird considered that the Caffres were more peaceably disposed now, than at any former period, and that they never were formidable, as in the attack of Graham's Town our casualties did not amount to more than 2 or 3.

Colonel Bird represented to the Commissioners the financial difficulties of the Colonial Government, occasioned by the great expenses incurred. That the forage for the cavalry cost the Government 100,000 Rixdollars, a sum paid by the Commissariat, and by them charged against the Colonial Government, but which it has no funds to meet.

That it is now recommended to increase that corps, which was kept in Graham's Town contrary to the opinion of Colonel Scott, commanding on the Frontier, although the expence at present is ruinous to the Colonial Finances.

Colonel Scott had suggested that four companies of the 6th Regiment might readily be spared from the force in advance.

That the public buildings on the frontier were a great source of expense, that 300,000 Rixdollars had already been laid out. Colonel Bird also alluded to the establishment at Newlands as an instance of lavish expenditure, of which no regular account can now be drawn out.

He recommended the Commissioners to inspect the Government Farm at Groote Post, to enable them to judge of the expediency of settling some of the British Emigrants there. Some unappropriated land exists in the Cape District.

The Commissioners suggested the expediency of attempting to afford relief to some of the unfortunate emigrants from England by giving them lands in the more settled districts, and by thus bringing them nearer to a market. To this Colonel Bird replied that they would in that case require a certain portion of capital, which in all probability they could not now procure, and that in his opinion the species of agriculture that would be found to be best suited to South Africa was not suited to the character, habits, or disposition of the English. He stated that notwithstanding the present discontent, that prevailed among the settlers, he was disposed to believe that towards himself no ill will was entertained, but he had no difficulty in declaring that much of the harshness of which they complained had proceeded from the personal and hostile feeling entertained by the present Governor towards every individual, and every measure, that had met the approbation of the Acting Governor Sir Rufane Donkin.

He remarked that the printed report of the Landdrost (Mr. Rivers) was not the result of personal inspection of the several locations, and that it has emanated entirely from party feeling.

The Commissioners requested to know from Colonel Bird, whether there would be any objection to the opening of a direct trade between the Mauritius and Port Elizabeth; to which Colonel Bird replied, that such a measure would materially injure the coasting trade, which had just been opened between the Eastern districts and Cape Town, and promised to be of great advantage to the Colony; and that it would deprive the Cape Town Market of its profit on the resale of goods imported from the Isle of France.

A true extract.

(Signed) JOHN GREGORY.

Letter from **LIEUTENANT EDWARD BIDDULPH to
EARL BATHURST.**

**NO. 1 YORK PLACE, DENMARK HILL,
CAMBERWELL, 20th August 1823.**

MY LORD,—Impressed with a high sense of the justice of His Majesty's Government, I appeal with confidence to your Lordship as presiding over the department of the British Colonies in the behalf of an aged Father, who has suffered much cruelty and injustice from Major Jones, the Landdrost, or Magistrate, for the District of Albany at the Cape of Good Hope. I am the more induced to take this step of representing to your Lordship the improper conduct of the Landdrost, as almost every Englishman looks upon you as the Foster Father of the new settlements.

To you therefore my Lord I appeal not only in the name of an injured parent, but also on the behalf of Public justice, claim your Lordship's protection of the Laws and Liberties of our Country, trusting that the high authority with which you are invested (and which you have ever exercised to the honour and prosperity of His Majesty's Colonies) will be sufficient to punish the partial and unjust judge, and to succour the poor and oppressed.

For your Lordship's information I copy part of a letter from my brother written at Bathurst, in the district of Albany, the truth of whose statement has been corroborated by disinterested individuals.

"Some months ago when our Cattle were brought up for the night they were joined by 8 stray oxen, and as it was late we thought it best to put them into the Fold with our own, to prevent their trespassing upon our neighbour's garden, however the stray Oxen in a short time broke out and part of our cows with them into the adjoining garden, which had no fence whatever around it to prevent trespass. Fortunately there was little or no damage done, as the Cattle were driven out immediately by the Constable, who gave them up to us without demanding any sum of money, either

for damage or poundage, but a few days after he came and demanded 26 rixdollars and 2 skillings, being poundage charged at 14 skillings (equal to 7 shillings) a head. My Father thinking it a great imposition, being a fifth of the real value of the beasts, (whereas in all parts of England sixpence only can be charged a head for poundage) and also 8 of them not belonging to us, refused to pay it. No notice was taken of the business for a length of time when the Constable came again and said, that if we would pay his fee of 6d. a head he would overlook the other charge, we offered to pay for our own seven cows, which he refused to take, and said he would summons my Father for the whole amount, which summons was served by him on the 2nd November 1822, to appear before the Landdrost and Court of Heemraden on the 5th November, which was attended to; when the Secretary informed my Father of the charge against him, he replied, Gentlemen I refused to pay the demand because I considered it exorbitant, and I beg to know what are the laws in force with respect to poundage. Major Jones the Landdrost answered that if he came into a foreign country he must abide by its Laws without the Court's informing him what they were. The Court was then cleared, in a short time my Father was called in, when the Secretary said, Mr. Biddulph, the Court condemns you to pay the Constable's claim of 26 Rix Dollars and 2 Skillings, and the Costs of this action. This was done without their hearing a word from my Father in his defence, for when he wished to state the grounds of his objections to the demand, he was silenced by the Court who said they had nothing to do with his objections. My Father then said, Gentlemen, I refuse to pay and you will act as you think proper (these were his exact words). Major Jones immediately flew into a passion and cried out this is contempt of court, what is the Law in this Case. My Father replied Gentlemen, I am sorry you have taken it in this light, for I did not mean any contempt of Court, and I hope you will consider this as a sufficient apology. The Court was then cleared, but in a few minutes my Father was called in again and told by the Secretary that the Court had condemned him to 8 days imprisonment, my Father answered very well, and requested he might have a copy of the proceedings. On the 12th of November our poor

old Father at the age of sixty-five was sent to prison at Graham's Town nearly 40 miles from his residence, 7 days after condemnation, and 7 days before the time allowed by the Dutch Law which grants to every man 14 days and in some cases 21 days after sentence is passed, he was kept 8 days in the same cell with criminals condemned for robbery and murder, on the same allowance of provisions, without any bed, and was not permitted to see any person without the special order of the Secretary."

Thus far my Lord is written by my Brother who attended my Father at his Trial, if it can be called by that name, but a sister who is married at Cape Town writes, that upon her husband receiving the above account together with the copy of the proceedings desiring him to take the Opinion of the most eminent Lawyers, in a few hours he not only obtained opinion of the Professional men but also that of some of the first men in power whose united advice was that my Father should immediately bring an action against the Landdrost and the Court, for as they had transgressed the Law and far exceeded their authority, they had no doubt but he would recover heavy damages. This advice was sent to my Father, but as it would be necessary for him to go to Cape Town to carry on the prosecution, a distance of upwards of 600 miles, he gave up all hopes of redress, for besides the fatigue of such a journey, he had not the pecuniary means even to commence an action, for to pay the fine and the still more exorbitant Costs of the Court, in which they had condemned him, he was obliged to sell almost the whole of his stock to the first bidder, and thus did the malice of an iniquitous judge become still more oppressive by reducing his whole family to penury and distress, almost to the wanting the common necessities of life, just at the time when they were beginning to rejoice over the struggles they had made and to taste the sweets arising from persevering industry.

Having thus shewn to your Lordship an instance of Tyrannical perversion and maladministration of the Laws in the district of Albany, and of our utter inability to seek for redress by the common mode of procedure in the Courts, I trust that we shall find it in the Justice and Humanity of the Government at home, whose real interest it must ever be to

preserve unbroken by oppression the free spirit of our nation and its Colonies. I have &c.

(Signed) EDWD. BIDDULPH, Lieut. R.N.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, 21st August 1823.

Requiring, at the suggestion of Mr. Grant, a certificate of the Marriage of Colonel Robison, and of the birth of his first born.

(Signed) BATHURST.

[Copy].

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 22nd August 1823.

SIR,—His Excellency the Governor has directed me to transmit to you the enclosed copy of an application from Major George Pigot praying for the Grant of an Erf in Graham's Town as a remuneration for his services as a Heemraad of Albany, together with a Copy of His Excellency's reply thereto, and to desire that you may be pleased to give effect to His Excellency's intention herein. I have &c.

(Signed) C. BIRD.

[Enclosure in the above.]

Reply to the Memorial of Major Pigot, praying in remuneration of his services as a Heemraad of Albany, for the Grant of an Erf in Graham's Town.

Acceded to.

By His Excellency's Command.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF
ENQUIRY.

LONDON, 23rd August 1823.

GENTLEMEN,—With reference to my despatch to Sir R. Donkin of the 24th June 1820 directing that certain portions of Land should be reserved in the New districts of the Cape of Good Hope for the future support of a Protestant Clergy, and in such situations as may afford a probability that such Property would encrease in value in proportion to the growth and prosperity of the Colony ; I have to desire you will direct your particular attention to this point, and that you will ascertain what measures have been taken to protect and improve the Land so reserved, and to make it eventually available to the use for which it has been set apart. I am &c.

(Signed) BATHURST.

[Original.]

Letter from the REVEREND DR. MANUEL *to* R. WILMOT
HORTON, ESQRE.

CHURCH STREET, STOKE NEWINGTON, August 25th 1823.

SIR,—I have the honour to transmit to you the Revd. Mr. Henry Sutherland's Certificates, which I received only this morning. I have no doubt but they will be found correct and satisfactory. One document however I find is wanting, namely, a letter of Security, signed by two Clergymen, in respect to the Fifty Pounds which Government gives to defray his expences in Holland. I have written to Mr. Sutherland this morning, saying, that such a document was indispensable, and that it would be most desirable he should forward it without delay.

Before Mr. Sutherland can receive ordination from a Presbytery in Scotland, it is necessary that he should have a Presentation or formal and written appointment from Government to a specific charge. He hopes that it may now be con-

venient for Earl Bathurst, and agreeable to the customary rules of procedure in such matters, that such a deed be put in his possession. If sent to me, I shall be happy to get it conveyed to him.

In reference to your letter of the 5th inst. stating that another vacancy was shortly expected in the Establishment of the Calvinistic Church in the Cape, and directing me to communicate with the Revd. Dr. Campbell and the Revd. Henry Grey of Edinburgh, in order to the selection of a fit person to be recommended to Earl Bathurst for that situation, I have the honour to mention, that immediately upon the receipt of that letter I wrote to these two Gentlemen, enclosing a copy of your letter and requesting their co-operation with a view to the fulfilment of the above object. I have not yet had any communication from them, but the moment I am favoured with one I shall transmit it to you.

As soon as Mr. Sutherland's letter of security above alluded to, arrives, I suppose he will be directed to take ordination, and to proceed to Holland to acquire the Dutch language. He is desirous to have Earl Bathurst's permission and authority to sail from Holland to the Colony in a Dutch vessel, so that he may keep up the habit of conversing in the Dutch language during the voyage, and make himself thoroughly master of it before he enters upon the duties of his office. This request he has solicited me to make, through you, to his Lordship, which I now most respectfully do, hoping there will be no particular reason why it may not be acceded to. I have &c.

(Signed) WM. MANUEL.

[Office Copy.]

Letter from ROBERT WILMOT HORTON, ESQRE., *to* SIR RUFANE SHAW DONKIN.

DOWNING STREET, 26th August, 1823.

SIR,—I am directed by Earl Bathurst to inform you, with reference to your letter of the 1st instant, that, as you state that you have not brought home any documents in support of

those disclosures which you were prepared to make with respect to Lord Charles Somerset, and as you have also informed his Lordship that Mr. D'Escury has anticipated you in making many of those disclosures to which you have alluded in your late communications with this office, his Lordship does not feel it necessary to call upon you to make those disclosures on which charges must necessarily have been founded. And his Lordship has less hesitation in absolving you from this otherwise necessary duty, as you have often expressed your unwillingness to bring forward charges as a principal against Lord Charles Somerset. I have, &c.

(Signed) R. WILMOT HORTON.

[Original.]

Memorial of the London Missionary Society.

MISSION HOUSE, AUSTIN FRIARS,
27th August 1823.

The Memorial of the Directors of the London Missionary Society Humbly Sheweth

That the Missionary Society, about twenty years since, sent out Missionaries to the Cape of Good Hope, in order to communicate Christian Instruction to the hottentots, and to promote their civilization.

That its principal settlement was formed in the District of Uitenhagen, in the vicinity of Algoa bay, on land granted to the Society by the Dutch Government, then in possession of the Colony, to which was given the name of Bethelsdorp.

That on the demise of the Revd. Dr. Vanderkemp, Superintending Missionary, which happened in the year 1811, the Directors deputed the Revd. John Campbell, of Kingsland, to proceed to Africa, for the purpose of visiting the several missions of the Society in that quarter; of devising suitable plans for their improvement, and collecting such information as might enable the Society to prosecute, to a still wider extent, its benevolent objects with regard to the hottentot and other heathen tribes of that country.

That notwithstanding the measures adopted by Mr. Camp-

bell on that occasion for the improvement of the Missions, abuses unhappily crept into them, particularly into that of Bethelsdorp, which were to be attributed, in a considerable degree, to the loss sustained by the death of the Superintending Missionary, which at that time had not been adequately supplied.

That in order to correct the abuses alluded to, the Directors in the year 1818 sent out to Africa a second deputation consisting of two members of their own body, viz. the Revd. John Campbell before mentioned and the Revd. John (now Dr.) Philip.

That after executing, as far as practicable, the immediate objects of their Mission, the Revd. Mr. Campbell returned to England and, by the appointment of the Society, the Revd. Mr. Philip remained at Cape Town, as the resident Superintendent of its several missions in Africa.

That the Directors have invited Dr. Philip freely to communicate to them whatever observations he might make bearing on the religious interests of the Missions, and affecting, in any measure, the moral or social improvement of the natives residing at the Stations.

That Dr. Philip, in compliance with these instructions, has, from time to time, sent home to the Society sundry statements, from which it appears that the hottentots belonging to the Society's Settlements, particularly that at Bethelsdorp, are subjected to a variety of exactions and restrictions, not imposed upon other inhabitants of the same districts, nor upon the hottentot population belonging to some other Missionary Institutions within the Colony, not in connection with the Society.

That the grievances in question appear to the Directors calculated, in a material degree, to retard the civil improvement, as well as to diminish the social comfort, of the hottentots, and also to be inconsistent with their immunities as British subjects, in which capacity the Directors presume they are explicitly recognised by His Majesty's Government.

That the Directors, persuaded of the just and liberal policy of His Majesty's Government, and the benevolent dispositions by which it is actuated, respectfully take leave to lay before Your Lordship a brief Statement of some of the more promi-

nent grievances to which the hottentot population, attached to the Society's Station at Bethelsdorp are subject.

In order to throw light on the Statements which follow, it may be proper to premise

That the Hottentots at Bethelsdorp amount to about 2,000. Of this number about 350 are considered as *effective* men and of these at least 200 are in the employ of farmers in the neighbourhood. About 40 hottentots possess wagons, by means of which, being their own drivers, they are able to earn from 30 to 35 Rixdollars per week—other hottentots employed in different ways, earn from 30 to 40 Rixdollars per week.

Having premised these particulars, your Memorialists will now proceed to their proposed Statements, which are as follows, viz.—

That the Hottentots at Bethelsdorp are commanded by the Local Authorities of the district, to quit their own respective occupations, however important to the subsistence and comfort of their families they may be, in order to engage in various public works, such as the repairing of roads, the building and repair of bridges, the cleansing of watercourses &c. in the Village of Uitenhage and its neighbourhood, a distance of several miles from Bethelsdorp; which works, it is obvious tend almost exclusively to the advantage and convenience of the inhabitants of that vicinity.

That the hottentots whose services are thus compelled by the local Authorities, are not engaged at any fixed rate of wages or for a limited time, but are required to labour at the above-mentioned or such other public works, for an indefinite period, and at a rate of wages stipulated solely by those Authorities themselves, and which is so low as to leave nothing for the support of the families of the hottentots thus employed.

That before the hottentots thus commanded by the Local Authorities receive their discharge, they are not unfrequently required by the said Authorities to perform work for the subordinate Officers of Government, and for others, as private individuals, from whom they receive as wages, no more than the Government allowance.

That the Hottentots are required to leave their respective occupations to assist other inhabitants of the District in performing, with their wagons, services for Government, which

they (the hottentots) are themselves, with their own wagons, able and ready to perform.

That the hottentots when allowed to find work for themselves, as the other inhabitants of the District are allowed to do, earn *four* or *five* and, in some cases, *ten* times the sum that is allowed by the Local Authorities.

That the Hottentots when required to work on the roads in the immediate vicinity of Bethelsdorp, receive for their labour no remuneration whatever.

That hottentots have been occasionally *requested* to go from home and labour for several months together on public works, sometimes at places distant from it more than 100 miles, without sufficient food to support them on their journey, without any option as to taking with them their families or their oxen, without money, without any fixed time of service, no allowance being made for the time consumed in travelling, no provisions furnished for their journey back, nor any wages received for the services which have been performed until several months after the period at which those services terminated.

That no less than 60 hottentots belonging to Bethelsdorp have been employed upon the public roads, in the way already described, at different places at the same time.

That the whole number of hottentots commanded from Bethelsdorp during the year 1820-21 was upwards of 120, and the number during the years 1818, 1819, 1820 and 1821 for the Cape Regiment was altogether disproportionate to the number of males belonging to the Settlement, capable of Military service.

That in the year 1819 70 individuals were called away from Bethelsdorp, ostensibly for the purposes of warfare, and were absent from home during a period of 7 months, but received no compensation whatever for their services. Of these 30 were detained for a considerable time, under orders from the Local Authorities, at Uitenhage, labouring by day and keeping watch by night, and during the whole of the period were allowed rations only barely sufficient for their own support, (none for their families) and received for these arduous services no remuneration whatever.

That in consequence of the above-mentioned and othe.

similar grievances, the hottentots of Bethelsdorp and their families are unavoidably exposed to most serious privations, losses and distresses,* from which it appears to your Memorialists, justice and humanity equally require that they should be protected.

These, however, your memorialists are sorry to observe are not the only grievances to which the hottentots are subject. It appears further, that the ties of nature are still more forcibly violated with regard to that people than in the instances already enumerated, viz,—

That the Local Authorities exercise the power of prohibiting the hottentots from going to reside at particular Mission Institutions, thus separating husbands from their wives, brothers from their sisters, and parents from their own offspring, and even aged parents from residing near their children who might contribute to their support, thus assimilating the misery of their condition to that of the Slave negroes, whom an inhuman traffic tears away from their relatives and their homes.†

That the hottentots are liable to be severely flogged at the

* The following instances taken indiscriminately from many others may serve to shew the nature of the grievances here complained of,—

A Hottentot was commanded away by the civil authorities to work at the sluices &c. after having taken out permits for cutting timber; part of the timber was, in consequence, left to rot, and one of the permits, after payment made for it, rendered useless.

A Hottentot after having made some considerable progress in the cultivation of his garden, was, in like manner, ordered away, and being detained several weeks, all his labour, in his garden, was rendered useless.

A Hottentot was taken from an employ by which he earned 24 Rixdollars per month and for a period of four months was required to work for 6 do. per do. The consequence was that his wife was obliged to slaughter a young ox to support herself and 3 children during his absence, who, had he been left to his own employment, would have been otherwise provided for.

A Hottentot by the purchase of sundry implements and other articles, contracted a debt of 41 Rixdollars which he engaged to pay in two months. He was called away from home by the civil authorities and detained four months, and thus lost the opportunity both of earning sufficient to pay his debt, and cultivating his garden, for which purpose the implements above-mentioned were purchased.

† The prohibition here mentioned appears to be in direct contravention of the 4th Art. of the Proclamation issued by His Excellency Lord Caledon, late Governor of the Colony, in November 1809.

will of their masters, or, on complaint to the Landdrost, by others under his orders. The freed slaves, although Mohammedans, if they enter into service and reside in the same district, are exempted from this arbitrary and degrading, as well as often very severe punishment, while on the hottentots of Bethelsdorp, who are not only British subjects, but for the most part baptized Christians, it is inflicted.

That the Hottentots are subjected to great inconveniences and vexations by the Local Authorities requiring *passes* to be furnished by the Missionary, before they can be allowed to travel from one place to another, which are also required to be countersigned by the Field-Cornet of the District, and are subjected to sundry vexatious Regulations not authorised by the Proclamation of November 1809.

That it would appear from the preamble to the proclamation just mentioned, that the object then contemplated by the Colonial Government has been, with regard to the members of the Institution at Bethelsdorp, long since obtained, as they have now fixed residences,

That the other inhabitants of the District are now (*sic*) subjected to the same vexations with respect to papers, not excepting the Mohammedan slaves, although a reference to the records of the Criminal Court of the District would shew, that such precautions were less necessary with regard to the hottentots than the other inhabitants of it.

That the Missionary is also subjected to great annoyance and loss of time by being required to furnish the passes to the Hottentots (for as the Landdrost alters them at his pleasure no *printed* form can be used) whose applications with all the correspondence which they occasion, connected with petty details and forms of office, frequently occupy several hours of the day, which he is required by the Society to devote to objects of far higher importance.

That a very considerable consumption of the time of the *Missionary* is occasioned also by the various applications which are made to him to furnish men for Government service, as it is improperly, in various cases, called, and which he is required by the Local Authorities to attend to forthwith, in whatever degree such services may happen to interfere with his appropriate duties as a Missionary.

That the Hottentots have been prohibited by the Local Authorities from cutting wood in any of the forests in that part of the Colony except one called Landman's Bush, (which does not furnish the kind of wood required for staves, to supply which they contract with the Colonists), while no other portion of the inhabitants of the District are subjected to any such prohibition.

That besides those above enumerated, various other oppressions are exercised towards the hottentots, which, altogether, afford too much reason to conclude that the hottentot tribes are considered by the Local Authorities of the District as not entitled to the rights and privileges of British subjects, nor even to a participation in the ordinary claims of humanity and justice.

That there is reason also to believe, that by far the greater part of the external disadvantages of Bethelsdorp, which have incurred the animadversion of travellers and others, are justly attributable, not to the want of industry in the hottentots or that of skill or management in the presiding Missionary, but to the various privations and oppressions to which the former have been subjected.

That no proof can be brought forward to shew that the aggrieved have at any time conducted themselves towards the Government or the Local Authorities, in any other manner than became the most entire submission to every law or civil regulation made known to them, and the same is affirmed with regard to those individuals who as Missionaries have at different times been placed in charge of the Institution.

That the hottentots have not only not forfeited by misconduct their claims to the favour and patronage of Government, but, on the contrary, have given many strong proofs that they eminently merit its most liberal encouragement, as may be satisfactorily ascertained by a personal inspection of the Stations and by well-authenticated documents in the possession of the Revd. Dr. Philip at Cape Town.

That with regard to certain of the Society's Missions in South Africa, where Kraals of hottentots have been established, whom the Society proposes to instruct in Christian knowledge and to improve in civilization, the Colonial Government claims the right of appointing and dismissing the Missionaries of the

Society or, which amounts to the same thing, requires that the appointment of the Missionary by the Society or its authorized representative should be sanctioned by the Government, and that the continuance of such Missionary at the station, if located, should depend on the opinion which the Government shall be pleased to form concerning his conduct.

It would be unnecessary for the Directors to state to your Lordship, that such a claim as this virtually deprives the Society of its right to appoint its own Missionaries and to exercise over them a proper control, and is utterly inconsistent with the practice of all Societies instituted for sending the Gospel to the Heathen.

Your Memorialists have now detailed the principal points to which they are desirous to call your Lordship's attention, and they feel persuaded that your Lordship will be of opinion that the privations and oppressions as to the Hottentots, which have been above enumerated, are such as ought not to be continued, whether these privations and oppressions be regarded in relation to the lawful claims of that people, as British subjects, or to the common principles of humanity and justice.

Your Memorialists take the liberty of submitting for the information of your Lordship that the Society's representative at Cape Town, the Revd. Dr. Philip, has it in his power to furnish ample evidence of the facts on which the several preceding allegations are founded, and as they are informed that Commissioners duly accredited by the British Government are expected ere long to visit the Cape of Good Hope for the purpose of inquiring into the state of that Colony, they respectfully and earnestly request, that your Lordship will be pleased to give the requisite Instructions for calling the attention of the said Commissioners to the several grievances enumerated in the present Memorial, and also to such others as the aforesaid Representative of the Society at the Cape shall think proper to lay before the Commissioners, in order that the same may be fully investigated by them, and that such relief and compensation may, in the issue, be extended to the hottentot population belonging to the Society's Settlements in Africa, as British Law and Justice can give, and the honour of the British name and character may require, and with

respect to the Society itself, that the impediments which may, in any respect, be opposed either by the Colonial Government, or the Local Authorities, to its benevolent exertions in South Africa may be forthwith removed.

And your Memorialists shall &c.

Signed by order of the Directors.

(Signed) WM. A. HANKEY, Treas.
GEO. BURDER, Sec.

To the RIGHT HONOURABLE EARL BATHURST,
His Majesty's Principal Secretary of State for the
Colonial Department, &c., &c., &c.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost of
Graaff Reinet.*

COLONIAL OFFICE, 27th August 1823.

SIR,—I have had the honor of submitting your letter of the 11th Instant with its enclosure from Mr. Melville to His Excellency the Governor. It appears to be desirable that Mr. Melville should be supplied with a larger proportion of ammunition, than what had been sent to him at the period of your letter, and His Excellency does not imagine there will be any difficulty in so doing, now that it is understood that you can receive adequate supplies at Graham's Town.

With respect to the thirteen Women of the Mantatee Tribe whom Mr. Melville has saved from destruction and sent to Graaff Reinet for protection, His Excellency desires that they may be placed as Apprentices for Seven years under similar conditions to those enclosed with such respectable persons resident in the Town of Graaff Reinet as in your prudence you may deem it for their advantage to entrust them to and on whose humanity you can depend. His Excellency does not however wish to encourage the bringing into the Colony, Persons of this description or even Bushmen, but when

circumstances such as the present render it expedient, and indeed almost compulsory to receive them, then His Excellency desires they may be dealt with according to the present instruction. I have &c.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 30th August 1823.

MY LORD,—I do myself the honor to transmit to your Lordship Certificates which have been submitted to me with respect to the Good Character of the Reverend Henry Sutherland, and recommending Him as a respectable Minister of the Church of Scotland and likely to be assiduous in the discharge of his Clerical functions, and I have in consequence to recommend that Your Lordship would take an early opportunity of nominating Mr. Sutherland to the charge of one of the vacant Calvinistic Churches in the Colony of the Cape of Good Hope, assigning for his maintenance the usual Salary granted to other Ministers of the same Church, and other advantages belonging to that office. I have &c.

(Signed) BATHURST.

[Original.]

Letter from T. P. COURTENAY, ESQRE., to ROBERT WILMOT HORTON, ESQRE.

ABINGDON STREET, 30th August 1823.

SIR,—Lord Charles Somerset has instructed me to communicate with you on the subject of a letter which His Excellency addressed to Earl Bathurst on the 8th of April last, relative to a proposed Coinage of Copper for the Cape.

I am not aware of any step which it is necessary for me to take in consequence of this Instruction other than to receive

any commands which Lord Bathurst may think fit to lay upon me.

I would however suggest that if Lord Bathurst consents to Lord Charles Somerset's proposition, the Coin may be paid for by me out of the Funds referred to in your letter of the 6th of June, which will prevent the necessity of having recourse to the English Treasury, and replacing the Amount to the Commissariat at the Cape, as proposed by Lord Charles Somerset. His Lordship when he made his suggestion was not aware of the augmentation the Colonial Funds in England had received thro' the sale of the Military Commissions. I shall be enabled to meet this demand notwithstanding that I have repaid £2000 to the Paymaster General and £5000 to the Commissariat.

Lord Charles Somerset informs me that it is his wish that the Coin "should have His Majesty's head on one side and on the obverse an Anchor being the Heraldic designation of the Colony." I have &c.

(Signed) THOS. PER. COURTENAY.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to LIEUTENANT RUBIDGE.

COLONIAL OFFICE, LONDON,
1st September 1823.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your Letter of the 21st April, inclosing voluminous documents to which you refer as explaining the case you wish to submit to his Lordship.

Amongst the great variety of matter contained in the above papers it has been found difficult to ascertain the precise point upon which you solicit the interposition of His Majesty's Government, if the controversy which you have entered into with the Government of the Cape of Good Hope is reducible to a simple question of fact, whether the additional 1,300 acres of Land which has been allotted to you under Colonel Bird's letter of the 4th July, is, or is not, comprised within the Grobbelaars Kloof ; still it is not possible for Earl Bathurst to

decide a dispute upon such a point without further information, as he has only before Him at present your statement that such Land is not within those limits, and Colonel Bird's letter of the 11th September from which it is to be inferred that a contrary opinion is entertained by the Colonial government.

If therefore you continue to be dissatisfied with the arrangements which have been made by the Colonial Government under an apparent disposition to promote your interests by granting you a larger portion of Land than that to which you were entitled as an officer on half pay, it will be necessary that a precise statement of your Case should be drawn up, and that you should submit the same, supported by affidavit, to His Excellency the Governor, accompanied with a request that He would transmit such documents to His Majesty's Government. Lord Charles Somerset in pursuance of uniform instructions given to Him in similar Cases, will transmit such Statement with such observations as He may consider necessary for the entire elucidation of the Subject. I am &c.

(Signed) R. WILMOT HORTON.

[Original.]

Removal of the Seat of Magistracy from Tulbagh to Worcester.

CAPE TOWN, 1st September 1823.

The following six Gentlemen who arrived from Tulbagh the day before yesterday waited upon the Commissioners of Inquiry, viz. :

Mr. H. F. MULDER, an Elder of Tulbagh,

Mr. D. J. MALAN

Mr. P. F. THERON

} Deacons of Tulbagh,

Mr. THERON Senior, an Inhabitant, and formerly Acting Landdrost of Tulbagh,

Mr. JACOB DE BRUYN, an Inhabitant, and formerly Heemraad of Tulbagh.

They laid before the Commissioners a copy of the Colonial Secretary's reply to the Memorial they had addressed to

Lord Charles Somerset respecting the removal of the Seat of Magistracy from Tulbagh to Worcester. The following is a minute of the information given to the Commissioners by these Gentlemen, as interpreted by Mr. Murphy :

The Public Buildings at Tulbagh were erected in 1804 during Commissioner De Mist's time. There was no Drostdy at Tulbagh prior to that time. Tulbagh was until then in the District of Stellenbosch. Reference was made by the Commissioners to *Lichtenstein's Travels*, Vol. 2, Page 150, upon this subject. The Public Buildings consisted of

1. Drostdy House,
2. Secretary's Do.
3. Messenger's Do.
4. Prison and Offices for the Officers of Justice,
5. House for the Undersheriff.

The Buildings were all good and substantially built, and during the heavy rains of last year the only House which resisted them was the Drostdy.

During the English Government there were built for the Landdrost's use at the Public Expence :

- A Bake House,
- A Slave House,
- A Stable,
- A Waggon House,
- An Out House containing four Apartments,
- And a Water Mill.

Mr. Thiebault the Architect drew a Plan for the Drostdy, but General Janssens considered it to be so extravagant that he sent two persons to Tulbagh for the express purpose of inspecting the place, who reported that one Wing was totally unnecessary.

Tulbagh consists of two parts, one of which is about two Miles distant from the other. In one is the Church, in the other is the Drostdy. Prior to the Establishment of the Drostdy, there were about 14 Houses in Church Street ; there are now upwards of 50, and a great increase would have taken place had Government permitted Allotments to be made there ; but encouragement was given to Buildings in the other part of Tulbagh in which the Drostdy was. The population of both parts of Tulbagh has increased three-fold since 1804.

The Vestry made applications for grants in the neighbourhood of Church Street, but, altho' not refused, they were not granted till within the last two years, when allotments have been made there. Several Persons who have had allotments during the last two years have been deterred from Building upon them in consequence of the late removal of the Drostdy. The value of landed property near Church Street has fallen since the late Removal.

Mr. De Bruyn purchased a property in the neighbourhood of Church Street in 1809 for 9,000 Guilders, and sold it in 1817 for 25,000 Guilders; altho' between the time of purchase and Sale no additional Buildings were erected except two small Out Houses.

They consider that the population would have increased if Allotments in Church Street had been permitted.

All the Roads of the District meet at Tulbagh, which was the great advantage of it as a Drostdy. All the Roads from Roggeveld, Cold Bokkeveld and Karroo pass directly thro' Tulbagh. The Inhabitants of Worcester must pass thro' Tulbagh on their way to Cape Town.

The number of Rivers round Worcester render that place inaccessible during the Winter Months; and it is necessary to remain for several days before some of the Rivers can be passed. There are more mountains and Rivers round Worcester than any other part of the Colony proportionally.

The Ground about Tulbagh is not so fertile as that about Worcester, but the Wheat produced at Tulbagh is far better than that at Worcester, or indeed any part of the Colony; it is proverbially excellent wheat.

General Janssens gave 25,000 Rix Dollars out of the Treasury, 6,333 of which went to the purchase of Land, and the remainder of the sums were defrayed by the District.

The Inhabitants besides contributed oxen, Labour and Waggon towards the erection of the Buildings, which they considered a great hardship. Their Taxes have recently been raised in some instances 150 per cent, but on an average upwards of 100 per Cent, which is understood to be for the erection of the Drostdy Buildings at Worcester. There is very good Water at Tulbagh.

The great inconvenience which the Inhabitants suffer from

the removal of the Drostdy is the extreme distance of the place to which it has been removed, it being on the very verge of the District.

It bears particularly hard on the Inhabitants of the Roggeveld and Bokkeveld. In summer they *can* go to Worcester by a very circuitous Route ; but in Winter they must come round.

Great delay must arise in the administration of Justice from the Establishment of the Seat of Magistracy at Worcester. The Commission of Circuit sat at Worcester last year for the first time. The removal of the Drostdy took place about a year ago. The comparative Population between Tulbagh and Worcester is 5 to 1 in favor of Tulbagh. These Gentlemen are totally ignorant of the motives for the recent removal of the Drostdy. They do not conceive that the Appointment of a Special Heemraad by any means supplies the wants of the Inhabitants of Tulbagh, he has no greater powers than a Field Cornet ; and they all agree that the great objections would be removed if a Sub Drostdy were placed at Tulbagh.

The present Heemraad is not a man of Property.

The damage done to the Public Buildings at Tulbagh is as follows :

1. The Gable end of the Undersheriff's House gave way.
2. Also that of the Prison.
3. Also half the Gable end of the Messenger's House.
4. Also the Gable end of an Out Door Building belonging to the Landdrost.
5. A few small Pillars in the Garden of the Landdrost fell down.
6. Corner of an Aviary at the Back of the Landdrost's house gave way.
7. Half the Landdrost's house, which was flat roofed with Boards and plaister, leaked, the other half being thatched did not leak. The Roof had leaked above the Gable and Walls, and caused two large Cracks in it.

They estimated that the repairs of all these damages would have amounted to 1,200 Rixdollars. Mr. Theron offered to do it for that Sum. The Inhabitants were willing to pay the whole expenses, provided that the Drostdy was allowed to remain at Tulbagh.

There were three Memorials from different parts of the District sent in to Government against the removal. In two of them, the same offer was made. The Memorial from the Village of Tulbagh was sent in about 28th January 1823, and an answer received on the 8th February 1823. The Sale of the Buildings was advertized three times; it took place in March last. The reason why the Buildings went at so low a price was that all the property in the neighbourhood was depreciated by the removal of the Drostdy. They consider that the Drostdy House was, comparatively speaking, given to Mr. Heatlie. They do not believe that any application was made to Government after the heavy Rains of 1822 for pecuniary assistance in consequence of the damages done to the Public Buildings. The Conditions offered by Government in their Proclamation at that period were considered too hard, and the people therefore declined availing themselves of that Offer.

The increase of the Taxes took place at the last Return, viz. in 1823. They do not pay Taxes for Hottentots in their Service. Hottentots are employed in their neighbourhood as overseers of cattle. Widows and others receiving eleemosynary aid are obliged to pay Opgaaf Taxes. The Sexton of Tulbagh, who is a very poor Man, with a Wife and 9 children, was taxed 14 Rixdollars per annum, and it has lately been increased to 24 Rixdollars, altho' his Opgaaf remains the same. The augmentation of Taxes in the District has been gradual, and they consider the Assessments to be far from impartial.

The foundations of the Drostdy House at Worcester are laid. There are but three Houses there, and probably not more than 6 or 7 Inhabitants.

These Gentlemen terminated the conference by expressing their wishes that their complaint should be laid before His Majesty's Government.

(Signed) JOHN GREGORY, Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 2nd September 1823.

MY LORD,—The Items which appear in the accompanying List not being included in the Schedule of fixed Contingencies sanctioned by Your Lordship, though from their nature they are comprized under that Head, I beg leave to request Your Lordship will have the goodness to allow these charges to be placed upon the Schedule of fixed Contingencies to which you have given your Sanction and to communicate your decision to the Auditors of Colonial Accounts.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from LORD CHARLES SOMERSET to the COMMISSIONERS OF ENQUIRY.

COLONIAL OFFICE, CAPE TOWN,
2nd September 1823.

GENTLEMEN,—I have the honour to acknowledge the receipt of your letter of the 20th August last, and in reply thereto, to transmit to you herewith the following Documents therein alluded to; viz.

1. Copy of the Instructions to the Burgher Senate, issued by Major General Craig on the 31st January 1796, with translations of the documents therein referred to; being a certain Instruction dated 13th July 1792, and a Resolution taken by the Dutch Commissaries-General, Nederburgh and Frykenius, on the 18th March 1793.

2. A form of a bond given upon the emancipation of a slave.

3. A form of a butcher's licence; and

4. A form of a baker's licence.

With respect however to the draft of the projected charter

of constitution of the burgher senate, prepared and drawn up in this colony by Mr. Commissary De Mist, and referred to in the first and seventh articles of the provisional instructions, and to a similar instrument prepared by the said commissary for the establishment of a colonial judicature, which you likewise call for under heads Nos. 2 and 3 in your aforesaid letter ; I beg leave to say, that I am informed that no such documents are extant here, they having been taken to Holland by Mr. Commissary De Mist, for the purpose of being submitted to the Dutch government for approval ; and this colony having shortly after Mr. De Mist's departure for Holland surrendered to his Majesty's arms, the charters in question were consequently not returned to this colony.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1.]

(Translation.)

Instructions for the Commissaries of the Court of Justice at the Cape of Good Hope, dated 13th July 1792.

Art. 1.—Of the ordinary members of the court of justice one of the burgher council shall be vice president ; besides three of the company's servants and three of the burgher council shall in future form a committee, and act distinctly in such matters as shall be referred to them according to the instructions herein contained, or hereafter to be directed, in order to act conjointly in promoting the interests of the inhabitants of this place, where the company's servants and the burghers are so intermixed.

Art. 2.—These commissaries shall be appointed by the government, and the two seniors shall annually retire, and be replaced by two others appointed in like manner ; which shall also be observed in the event of any of the members dying within the year. The said commissaries shall form a distinct body, presided over by a member of the council of polity, for that purpose expressly appointed, without one or more of the members shall be allowed to take upon them-

selves any particular function, unless especially thereto delegated.

Art. 3.—When, however, one or more members should on any particular occasion, such as fire, overflowing of water, or the like, be on the spot, where the immediate interposition of the commissaries may be required, such member shall then give the necessary directions; but in such case the member who has so acted shall forthwith report the same to the body of commissaries, according to a form hereafter given, for approbation and farther provision, where such may be required.

Art. 4.—These commissaries shall hold one monthly meeting, and, besides, meet as frequently as circumstances shall render necessary, in order to take into consideration all such matters as according to what shall hereunder be pointed out to them shall fall within their cognizance; besides, to attend to the execution of such farther matters as the government shall think necessary to refer to them.

Art. 5.—The principal duties of the commissioners shall properly, and in general, comprehend the inspecting and keeping in repair the common roads and streets, as also the houses and public buildings of the colony; also, the keeping in order, at fixed periods, the canals now existing, or the making of others where it may be necessary; the forming of lists for the taxation of the burghers and company's servants, to be paid into the burgher fund, to be approved by the government; the appointing of watchmen, and other subaltern functions, to be paid by the inhabitants; the farming out of whatsoever belongs to the burgher windmills; respecting all which, the commissaries shall conduct themselves according to what shall hereafter be detailed, and according to the several proclamations and regulations already existing, or hereafter to be promulgated.

Art. 6.—The commissaries shall half yearly, or when, for the sake of greater dispatch, they shall see it necessary, more frequently, appoint two members, viz. one of the company's and one of the burgher members; who shall for the time superintend the several duties above enumerated, and report whatsoever may relate thereunto at the next first meeting of commissaries; and in matters not admitting of delay, their

report shall be addressed to the president, in order for his calling an extraordinary meeting, to deliberate on the subject reported, and determine on what is to be done.

Art. 7.—Should it be necessary to construct any new bridges, roads, canals, buildings, or when any extraordinary repairs or improvement may be wanted to any of these already existing, the commissaries shall consider first the expediency thereof, and then the cheapest manner in which these can be completed; but such work shall not be undertaken, nor begun upon, without having first obtained the sanction of government thereon, except in such cases which the governor may consider not to be of that importance to occasion difficulty; when his Excellency's verbal approbation will be sufficient, but which the commissaries are then to put on record.

Art. 8.—For the execution of such works according to what shall have been determined respecting them, the commissaries shall appoint two of their members most qualified for that purpose, to superintend the same until completed; unless prevented by indisposition or otherwise, in which case the commissaries shall provide accordingly.

Art. 9.—With respect to the streets, either new made or altered, in front or near the houses, the commissaries are expressly authorized to pay due regard thereunto, and prevent any one from making such alterations on his own account as shall not correspond with what, in regard to other contiguous streets, canals or buildings, should be done; any one therefore wishing to make such alteration, shall first communicate his intention to the commissaries, and then proceed therein according to the directions the commissaries, or some other authorized by them, in writing, shall point out; and in case of neglect or unwillingness on the part of any one concerned therein, the commissaries shall prosecute the same according to law.

Art. 10.—In like manner the commissaries are to look to whatsoever relates to the cleanness of the streets, the keeping the canals clean and filled, also the water-courses, and whatsoever relates to them; the whole, according to the already existing laws and regulations respecting it, and such as may hereafter be further enacted.

Art. 11.—The commissaries are to consider whether it will not be necessary that regularity be observed with respect to large projecting “stoops,” so as to keep them within the direction of the streets, and to appoint a proper person for that purpose; in which case the appointment of such a person must be submitted to government for approbation, together with such instructions as he is to be guided by.

Art. 12.—The commissaries shall annually, at fixed periods, make out the lists of taxation of what is usually paid under the name of watchmen’s, lions, tigers, bridges and road dues, into the colonial treasury; which taxation shall extend to all inhabitants, as well burghers as company’s servants, who are domiciliated, or possess houses, stores, stables, lands, within the Cape Town district, and also what bachelors or other inhabitants not possessed of fixed property have usually contributed; leaving the members of the council of polity, as formerly, to rate themselves for the payment of; these lists so formed by the commissaries, shall by them be submitted for the approbation of the government, where the said lists must specify the persons who continue in the former rates, those whose rates are increased, and those whose rates have been reduced.

Art. 13.—The said lists are annually to be corrected according to the persons who have in any ways become liable to pay the said taxes, specifying those who have arrived here, either from Europe or India, and have continued to reside longer than a twelvemonth; as also young men who have attained the age of sixteen, in order to ascertain which, the commissaries are authorized to require annually extracts from the registers of baptisms.

Art. 14.—The amount of these contributions or taxes, under whatsoever denomination, shall on no account be increased by the commissaries, nor any new taxes be added, without first having obtained the permission of government, on grounds distinctly set forth.

Art. 15.—The burgher secretary, receiving his salary from the colonial treasury, shall, in the forming of the above-mentioned lists, so far as the register of the burghers can be made applicable to them, and in whatever other manner his

services may be called for, give to the commissaries the assistance required.

Art. 16.—The commissaries are also authorized, in case any person rated according to the approved lists shall remain in arrears, and for the second time having been summoned by the messenger, shall be unwilling or otherwise neglect to pay his rate, to recover the same by immediate execution.

Art. 17.—When the situation of secretary shall become vacant, the commissaries shall recommend a proper person, and submit the same to government for approbation. The appointment of a messenger or other inferior situations, the commissaries can forthwith do the same; nevertheless the secretary and messenger shall take oath of their respective offices by the government.

Art. 18.—The number of watchmen shall be determined by the commissaries in proportion to the extent and exigencies of the district, and as their services may be deemed necessary; and in case of vacancy, proper subjects to be selected to fill up the same. The commissaries shall, however, not augment the number of watchmen, nor diminish it, without having submitted the reasons for doing so to government, and received the approbation thereon. The same applies to all inferior offices paid from the colonial chest.

Art. 19.—The watchmen shall be furnished with concise and clear instructions, and be made to attend to them. The commissaries are authorized, in cases not of a criminal nature, to punish any neglecting watchman by domestic correction, or confine him on bread and water, as the case may require.

Art. 20.—The free blacks residing in this Cape Town district are under the immediate orders of the commissaries, to be attached to the fire engines, or to employ them where otherwise their services may be required. The secretary shall furnish the commissaries, as often as may be required, with a list of such free blacks. When any of the officers among them dies or is discharged, a successor shall be nominated in order as is customary, to be appointed by government.

Art. 21.—The farming of the two windmills belonging to the colony shall, each time it occurs, take place before the commissaries in a manner most conducive to the preservation of said mills, and to the best advantage for the colonial chest.

Art. 22.—The colonial chest shall be kept by one of the members expressly thereto appointed by the commissaries ; such member shall give security to the satisfaction of the commissaries, who conjointly are responsible for the same : he shall not be allowed to issue any payments but by order of the commissaries.

Art. 23.—All demands made on the colonial chest shall be examined by the commissaries ; and when found to be correct, an order on the treasurer shall be issued for the payment thereof.

Art. 24.—An annual account of all receipts and expenditure, specifying the several items, shall be made out, and by the commissaries be presented to government.

Art. 25.—A regular inventory of all colonial property, moveable and immoveable, shall be formed. To this inventory shall continually be added whatsoever property may from time to time be acquired, and such articles as are in any way taken from it shall be so marked in the margin.

Art. 26.—All licensed trades and traffics within this colony shall be under the assisting superintendence of the commissaries, who shall see that these are confined to the letter of the licence, laws and regulations respecting them, so that no abuse is made of such trades and traffics to the injury of others, or of the public at large ; and should any circumstance occur which in the opinion of the commissaries requires to be further regulated, they shall represent the same to the government for their disposition thereon.

Art. 27.—The commissaries are to consider what can best be done to prevent smiths and wheelwrights from being arbitrary in their charges for waggons and other implements of husbandry, and make them revert to the limitations . . . to the agriculturists, without, however, to stop these trades by preventing their means of support.

Art. 28.—If any scarcity of provisions is apprehended in the colony, the commissaries shall consider the best means to provide therein, &c. as to afford the most expeditious relief, and report to government the causes of such apprehension, and suggest the mode of relief.

Art. 29.—The planting of wood for fuel by individuals, in order to diminish the price thereof, shall be particularly

considered by the commissaries, as being most essential; and they shall suggest to government the means most effectually to secure the same.

Art. 30.—The increasing extent of this district, and of the number of its inhabitants, requiring that the same be divided into wards, the commissaries shall, as speedily as practicable, furnish a plan for the same. Also to form a list of the most proper persons in each intended ward, from which two wardmasters for each ward will be chosen by the governor; and the commissaries are to draw up instructions for the same, and submit the same for the approbation of the council of polity.

Art. 31.—The commissaries shall conjointly with such wardmasters watch over the conduct of the inhabitants in the Cape Town district, so that no improper conduct be tolerated, the example of which would be injurious to others, and be productive of other mischief; should any one be guilty thereof, the commissaries shall in such case represent the same to government, in order that the necessary measures may be adopted respecting it, either by removing the offending individual from the colony, or otherwise.

Art. 32.—Any one summoned to appear before the commissaries shall comply on pain (in case no reason to the satisfaction of the commissaries be assigned) of being fined *Rds.* 10 for the first offence, and *Rds.* 20 for the second, to be paid into the colonial chest; such person not appearing to a third summons, the commissaries shall report the same to the court of justice, who, in support of the commissaries, shall act in the case as circumstances may require.

Art. 33.—Every one shall pay due respect to the commissaries, and obey them in their public capacity; and all insults, reproach and offence offered to them shall be considered as offered to the higher authorities, and punished accordingly.

Art. 34.—The commissaries having to regulate themselves according to the several orders, proclamations, statutes, regulations and resolves of the directors in the mother country, and of the government of India, in as far as these are applicable to this colony, as also those emanating from the local government; for which reason copies of the same will be furnished to the commissaries, not merely those hereafter to be

issued, but of those already in existence, in as far as these are to serve for their information and guidance.

Art. 35.—Finally, whereas these several instructions, &c. cannot possibly have provided for all contingent circumstances, the commissaries shall in all such cases as are not provided for, or in such as may be doubtful, address themselves to the government in order to receive their directions therein.

Art 36.—The commissaries shall in all matters contained in these instructions conduct themselves according to the oath taken by the president on his appointment as member of the council of polity, and that of the oath taken by themselves as members of the court of justice.

Thus done in conformity to authority of the commissaries-general for Netherlands India, by the council of polity, in the Castle of Good Hope, 13th July 1792.

[Enclosure No. 2.]

(Translation.)

Extract from the Resolutions of the Commissaries-General of Netherlands India at the Cape of Good Hope ; done in the Castle Good Hope, on Thursday the 18th day of March 1793.

Having been taken into consideration the representation of the members who on the part of the burghers have their seat in the court of justice of this government, from time to time submitted to the commissaries-general, to be permitted, when thought necessary, to make representations to the administration on matter relating to the interests of the colony and of the inhabitants, and when they shall find themselves aggrieved by any disposition of the administration, to be allowed to address themselves to the chamber of XVII :

It was considered that there can be no probability that the administration could ever make such dispositions from which reasonable grounds of grievance could be deduced for this colony or its inhabitants, and the fraternal views the chamber of XVII at all times cherishes towards this colony be thus lost sight of, and whereof the commissaries-general, during their stay here, have given the strongest proofs, and from which then

also, there is the more reason to expect that at least the acts of the administration will not in future so readily be placed in an unfavourable light.

That there is also the less ground for such apprehension at the present moment, when the several interests of the colony and its inhabitants have been regulated by the commissaries-general, and put upon a secure footing, of which the fairness, they trust, is generally acknowledged ; so that it cannot be presumed that, for some years at least, new provisions will be required to be made.

That even supposing that in some or other case it would be necessary to refer matters to the administration concerning the interests of the colony or its inhabitants, this could be done by a joint commission of the court of justice, according to their instructions, without the smallest suspicion or doubt that the president and members, who on behalf of the company have their seat therein, would at any time pay proper deference to the members on the part of the burghers, in matters that are reasonable and just, and that have for object the welfare of the colony and its inhabitants.

That therefore, although for the foregoing reasons there can be no necessity for giving to the members who on the part of the burghers are seated in the court of justice, the right to make separate representations ; whereas it appears that it would afford satisfaction to the inhabitants were the said members of the court of justice, as being chosen from among the most notable of their fellow citizens, and receiving no salary from the company, to have the faculty, on particular occasions, to communicate their sentiments to the administration respecting matters of interest to the colony and its inhabitants ; and that also, in a general point of view, it would be beneficial were a permanent and progressive confidence established between the administration and the notable inhabitants of the colony, based upon the immutable fact, that the interests of the company and those of the colony are inseparable, and that the prosperity or ruin of the one must ever follow that of the other :

Wherefore it has been thought proper that the members who, on the part of the burghers are seated in the court of justice, shall have the faculty henceforward allowed to them by these

presents, as being chosen from among the most notable inhabitants of this colony, and thence in no ways considered as forming a distinct board, in matters not exclusively belonging to the domestic arrangements of the company respecting the colony and its inhabitants, to submit their particular considerations to the administration, in a manner that such considerations must in the first instance be verbally communicated by one or two from among them, to the governor, which should it not produce the desired effect, then to address themselves in writing to the administration, who shall dispose thereof as they shall think advisable, and furnish the said members with an extract of their proceedings respecting it, which members, should they feel themselves aggrieved thereby, they shall be at liberty to address themselves to the chamber of XVII; they shall deliver such address sealed to the governor, communicating to him the subjects to which it refers, and the request that the same may be transmitted with the public papers, by the first opportunity, to Holland, which request shall be complied with.

The commissaries-general resting assured that the members seated on the part of the burghers in the court of justice, either those who are so at present, or others hereafter, will never abuse the faculty so given them as a proof of the confidence the supreme authority reposes in them individually, and that such representations, either verbal or in writing, shall always be expressed in terms of deference and respect due to the administration.

(Signed) S. C. NEDERBURGH.

[Enclosure No. 3.]

Publication and Instruction by JAMES HENRY CRAIG, Major-General of His Britannic Majesty's Army, and Commandant of the Cape of Good Hope and its Dependencies, &c. &c. &c. ; dated 31st January 1796.

All those who shall see or hear these Presents read, salutation ; notice is given that :

Whereas the distinction which existed under the government of the Dutch East India Company, in the several boards and other public offices between burghers and servants of the

company, has now entirely ceased ; we have, in continually considering all that in the present circumstances of the time may tend to the welfare of this colony, and to the safety and the prosperity of the good inhabitants, among others thought expedient for the good order, to dissolve and to annihilate the board of commissioners of the court of justice, as the said board only was composed of an equal number of burghers and of servants of the company, in order to take care of the mutual interests of burghers and of servants of the company, to whom their duties were prescribed by a certain instruction, dated 13th July 1792 ; and to charge the burgher senators with the said duties, so as by these presents they are charged with the same as prescribed in the following Instruction :

Instruction for the Burgher Senators.

Art. 1.—The burgher senators are to continue to compose of themselves a separate board, so as hitherto under the Dutch government it has always taken place, and as it has been allowed them by the Dutch commissaries-general, according to a certain resolution of the 18th of March 1793, of which board the senior burgher is to act as president, in order to take care of the common interests of the corporation of burghers ; and, in case of necessity, for the prevention of disorders, to make to government, in the name of the said corporation, the necessary decent representations ; and they are to keep for their assistance, relative to their usual duties as burgher senators, the secretary who has hitherto exercised that function.

Art. 2.—The said board of burgher senators is to consist of six members, so as it is at present composed ; the vacancies of which are in time to be filled up by election of the governor, from a nomination of four for each member, which nomination is to be formed by the board itself : but the taking place in the court of justice is henceforth not to be considered as a necessary consequence of the office of burgher senator, except in case the governor might require it at any vacancy in the said court of justice, but the members of the court of justice and the burgher senators are nevertheless to have an equal rank.

Art. 3.—The said board is, according to the old custom, to make use of the second sworn clerk of the office of the secretary to government in the exercise of the duties of commissaries of the court of justice, which duties are here considered as separate from those of the burgher senators, according to what is further stated in this instruction, likewise under the presidency of the senior burgher senator ; and none of the said burgher senators shall be permitted to assume to himself any separate function which is not expressly committed to his care by the board.

Art. 4.—But such member or members of the said board as may one time or other be present in some unexpected case of fire, overflowing, or the like, when, as far as it does concern the office of the burgher senate, any immediate order or disposition is required, shall give the momentary required orders, (if the case admits of no delay,) and make the necessary dispositions ; but he or they shall be obliged to give, as soon as possible, an account of their transactions, in such a manner as it will be prescribed by these presents, to the board of burgher senators for approbation, and (should the case require it) for further orders and dispositions.

Art. 5.—The said burgher senators are to assemble once every month ordinarily, and besides that as often as it will be necessary, in order to deliberate, not only upon such matters as may occur or belong to their department, (according to what will be prescribed by these presents, or further in progress of time may be adjoined to their duties), but also upon the execution of what government will think necessary in some or other case to charge them with.

Art. 6.—The principal duties of the burgher senators are properly and commonly to consist of inspecting and repairing the highways and streets, together with the buildings belonging to the colony and the canals, at the appointed times in the year ; of causing new ones to be built or dug ; of forming or drawing up the taxation lists of the burghers and other inhabitants, relative to what each of them is to contribute to the burgher treasury ; of exhibiting the said lists to government for confirmation ; of appointing directly the watchmen, and of conferring other petty offices which are paid out of the said treasury ; and finally, of farming out the windmills of the

colony : in the transactions of all the aforesaid, the burgher senators shall be obliged to direct themselves according to what will be prescribed to them by these presents, and according to the ordinances which are or will be issued out in this regard.

Art. 7.—The burgher senators shall, from six to six months, or for such a greater or lesser period as they will think expedient for quicker despatch and for less delay in the transactions, appoint two members as deputies, who are to have the principal inspection during the said time of the defects which may occur in the highways, streets, canals, squares and the buildings of the colony ; of their reparations or meliorations which may be thought necessary and useful ; of the service of the watchmen, and that of other servants belonging to the direction of the burgher senators, in order to give account and notice of all that occurs to them concerning the aforesaid, in the first ensuing assembly of the burgher senators ; or if the matters cannot bear any delay, to direct the said account or notice to the senior burgher senator, who acts as president, in order that he may be able to convocate extraordinarily the said assembly, and to consider therein what could or ought to be done concerning what has happened or occurred.

Art. 8.—And if it be necessary that for the common use be made any new bridge, road, canal, building, or that any necessary extraordinary reparations or meliorations be done on those which already exist, the burgher senators shall be bound not only to consider the necessity of it, but also in what manner it may be effectuated with the greatest sparingness for the burgher treasury, and moreover to take the advice of those who have skill in those things ; but such new works, or extraordinary reparations or meliorations, are not to be undertaken or begun before the approbation of the government for that purpose is requested and obtained.

Art. 9.—For the execution of the said new works, extraordinary reparations or meliorations, according to the appointed and fixed manner, the burgher senators are to appoint two members as deputies, who have the best knowledge and experience concerning the matter, in order to have the principal inspection and direction of it till its finishing,

unless it should be required by sickness, or by any other intervening obstacles, that the said deputies be succeeded by other members for that purpose, for which it shall then be provided by the burgher senators.

Art. 10.—And in regard to the streets which are newly made, or which any person, by his own authority, and at his own expense, should undertake to raise or lower along the houses, the burgher senators are expressly authorized to take notice of it, and consequently to prohibit and to hinder that by any person in this regard be proceeded otherwise than they the burgher senators will think it ought to be done for the common use, and according to the situation of the next streets, canals or houses ; wherefore any person who intends to make such alterations, shall be obliged to give previously notice to the burgher senators appointed for that purpose, and to proceed in this regard in such a manner as he will be directed by them, or in their name by any person who may be properly authorized for the said purpose ; and the burgher senators are to observe such proceedings against those who are unwilling or negligent to follow these directions, as are appointed and ordained in the ordinance which is still in force, and issued out for that purpose.

Art. 11.—The burgher senators shall also have the principal direction and care of what concerns the keeping the streets in repair and clean ; the keeping the canals clean and full ; and the keeping the public conduits and their dependencies in a proper condition, according to the very useful resolutions taken and ordinances issued out by the former government, and which continue as yet in force, or agreeable to such orders as in future may be given in this regard.

Art. 12.—The burgher senators are every year at the usual time to form and draw up the lists of the taxation of what, according to custom, is to be contributed under the denomination of watchmen, lion, tiger, bridges and highway money, to the treasury of the colony, for the common expenses ; which taxation is to comprehend all the inhabitants who are established, or possessing houses, store-houses, stables or lands, in the district of the Cape Town, together with what the unmarried young men, or those inhabitants who possess no real estates, have usually been assessed to contribute to the

said treasury ; which lists formed by the burgher senators are to be laid before the governor for confirmation ; and in which lists must be noted down those who continue the same contingent, those who are diminished or augmented, and those whose names appear therein for the first time.

Art. 13.—The said lists shall be every year supplied with those to whom the burgher freedom has been granted, or who are in any otherwise come in the case of being assessed to contribute to the said treasury ; amongst whom are to be comprehended those who, being arrived from Europe or the Indies, have remained in the district of Cape Town longer than one year, and possess here any house or land, as also the young men who have attained the age of sixteen years ; wherefore the burgher senators are authorized to demand every year the necessary abstracts from the registers of christenings.

Art. 14.—The burgher senators shall have no authority, in any manner, to augment the assessment of the said contribution to the burgher treasury, under whichsoever of the aforesaid titles ; nor to introduce any new one under any other denomination, before they have obtained the necessary authority from government, upon their having represented the reasons and motives for that purpose.

Art. 15.—The secretary of the burghers, as having salary out of the burgher treasury, shall be bound to be obedient and of service to the said burger senators, not only in forming the said lists as far as it concerns the burghers, but also there and where the burgher senators will find it necessary.

Art. 16.—The burgher senators are also authorised by these presents to collect the contingent, according to the approved lists, from any person who, after having been put in mind of it for the second time by the burgher messenger, remains unwilling or wanting to pay, by immediate distress.

Art. 17.—When the office of secretary of the burgher senators becomes vacant, the board of burgher senators shall then recommend, for the filling up of it, a proper person to government ; but the office of the burgher messenger may directly be supplied so well as all the other petty offices by the burgher senators ; both the said secretary and the said messenger are, however, bound to take the oath for their

offices, the first before the governor, and the latter before the burgher senators.

Art. 18.—The burgher senators shall employ such a number of watchmen as the extension of the town and necessity requires, and shall supply those who resign or die, by other sober and stout subjects; but the burgher senators shall not be permitted to augment or to diminish the number of the said watchmen, or that of the other petty officers, who are paid out of the burgher treasury, without having previously represented to government the reasons for it, and requested and obtained the necessary qualifications for that purpose.

Art. 19.—The burgher senators shall provide the said watchmen with a short and solid instruction, (which the said watchmen shall be bound to observe exactly,) and are authorized by these presents to punish those who, relative to the said instruction, are guilty of some negligence or transgression, (provided it be no criminal action), and deserve only a domestic correction, even with prison, and with feeding them therein with bread and water, according to the exigency of matters and circumstances.

Art. 20.—The free black people, living in the district of the Cape Town, shall be under the orders of the burgher senators, in order to do service, according to custom, at the fire engines or elsewhere, for the common benefit; wherefore the burgher senators are authorized to demand, as often as they judge it necessary, from the secretary of the burghers, a list of the said black people, and to appoint, in case one of the officers of the said black people dies, or is discharged from service, another in his room; and the burgher senators are also authorized to punish the said free black people, in case of neglecting their duty relative to the said service, according to the transgression, with a domestic correction.

Art. 21.—The farming out both the windmills of the colony is always to be done before the board of the burgher senators, in such a manner as will be judged most expedient for the conservation of the said mills, and for the benefit of the burgher treasury.

Art. 22.—The treasury or cash of the burghers or colony is to be kept by one of the burgher senators, appointed expressly

by the board for that purpose, who shall be obliged to give sufficient security to the burgher senators, as being conjunctly answerable for the said cash ; but the said cash-keeper shall not be permitted to make any payment out of the said cash, without a warrant from the burgher senators.

Art. 23.—The burgher senators shall examine all the accounts which are given in or produced to the charge of the burgher treasury, and after having found them right, give the necessary warrant to the cash-keeper for payment.

Art. 24.—An exact and specific account shall be drawn up every year of the receipts and expenses ; and after being signed by all the burgher senators, presented to government.

Art. 25.—An inventory of the colony's moveables and immoveables shall be made, and always amplified with such articles as are purchased or acquired ; but those which are worn off, &c. shall be cancelled in the said inventory by marginal notes.

Art. 26.—The burgher senators shall assist in attending to all that is relative to the licensed trades exercised and established in this colony, in order that the same may be kept in their respective bounds, according to the several grants and ordinances issued out in this respect, and that thereby may be prevented every abuse prejudicial to others, or to the public ; and if any object in respect to that might occur to the burgher senators, which might require some redress, they shall be obliged to represent the same to government, to the end that the necessary disposition can be made for that purpose.

Art. 27.—The burgher senators shall be particularly obliged to meditate means to be adopted for diminishing the price of waggons, and of such other utensils as are required for the agriculture, and no longer to leave the said price to the arbitration of the smiths and cartwrights, but to endeavour to reduce the said waggons and utensils to such prices as are the least prejudicial to the agriculture ; but without thereby causing the said trades to stand still, nor those who exercise them to lose their subsistence.

Art. 28.—When any want of the necessary victuals in the colony, or among the inhabitants, is apprehended or expected, the burgher senators shall be obliged to meditate the best

means for preventing or for supplying most speedily the said wants, and to present the said means, together with the cause and reason of the said apprehension, to government.

Art. 29.—The burgher senators shall be obliged to mind the nursing of firewood, or of what else can serve for supplying the increasing scarcity of it at the present increase of inhabitants, as a matter which requires the greatest attention ; and they shall propose to government the means which may appear to them most proper for that purpose.

Art. 30.—And as the extension of the Cape Town has already required that it be divided in wards, and that there be appointed proper persons as aldermen of those wards, the publications issued out in that regard, and dated 18th November 1793, and 17th February 1794, together with the instructions for the said aldermen there inserted, are particularly by these presents adhered to.

Art. 31.—And the burgher senators are also to take care that the vacancies of the office of aldermen of the wards be always properly filled up, by recommending to the governor for election such inhabitants, the behaviour and actions of whom may be a good example for others.

Art. 32.—The burgher senators shall, together with the said aldermen, attend to the behaviour of the burghers and inhabitants in the Cape district, and see that they do not lead a scandalous life, which might be a bad example, and from which some mischief might arise ; and should any person be found to conduct himself improperly, the burgher senators shall be bound to give notice thereof to government, in order that such subjects, if need be, may be removed from the colony, or that some other necessary means, according to the exigencies of persons and affairs, may be adopted in this regard.

Art. 33.—And whereas it is thought indispensably requisite for the interest of the good inhabitants that the orders established in case of fire be properly kept in force ; and whereas the functions which in this regard heretofore have been usually exercised by the master attendant, also require to be provided for, the burgher senators are to appoint every year a member of their board for exercising henceforth the said functions, and thus duly to observe, together with the respective brand-meesters, the orders, regulations, and instructions, which

already are or in future may be issued out in this respect.

Art. 34.—At any vacancy of a brandmeester's post, the burgher senators are as often to recommend to the government another fit person for filling up the said post.

Art. 35.—But the vacancies of pettier offices at the fire engines, are to be filled up by an immediate appointment of the burgher senators, upon the advice of the brandmeesters.

Art. 36.—In case of fire or alarm, the burgher senators are to repair to the burgher guard-house, in order to give the necessary orders in respect to what concerns their functions.

Art. 37.—Any person summoned before the burgher senate shall be obliged to appear, on penalty of *Rds.* 10 for the first, and of *Rds.* 20 for the second time, (if they are not able to allege a legal excuse to the satisfaction of the burgher senators), to be paid into the burgher treasury ; and if such persons are summoned for the third time without appearing, the burgher senators are then to give notice thereof to the court of justice, where the affair will be minded and judged in such a manner as will be found most expedient for the maintenance of the burgher senate.

Art. 38.—Every one shall be obliged duly to respect the burgher senators, and to be obedient to them, concerning their office ; as every affront, disdain or injury, done to the burgher senators will be considered and punished as done to magistrates.

Art. 39.—Whereas the burgher senators are obliged to direct themselves in all their functions according to the commands, edicts and orders of government, copies of all the said edicts and orders which may be issued out in future, shall be delivered to them, as far as they are to serve for their instruction.

Art. 40.—And whereas it is not possible that this instruction can comprehend all cases in which the activity of the burgher senators is required, the said burgher senators shall be obliged in cases for which they have no precise prescription, or might meet with some doubts, to apply to government for obtaining further orders how to direct themselves in such occurrences.

Art. 41.—The burgher senators shall be obliged, for the performance of this instruction, and of all what further is incum-

bent upon them, to take the oath which is drawn up for this purpose, before the Governor.

We therefore command and enjoin all and everyone whom it might concern to obey this our edict, and the instructions, and to cause the same to be obeyed, as we have judged it expedient for the public welfare.

And that no person may be able to plead ignorance, these presents shall be published and affixed at the usual places in this colony.

Thus done and decreed in the Castle of Good Hope, the 31st January 1796.

(Signed) J. H. CRAIG, Major-General.

Oath for the Burgher Senators.

I promise and swear to be faithful, and to bear true allegiance to his Majesty George the Third, King of Great Britain France and Ireland, Defender of the Faith, &c. &c. &c. for so long as his said Majesty will remain in the possession of this colony.

That I will attend with every faithfulness and diligence to the concerns of this colony, and all what can tend to its welfare, and make, if need be, for that purpose, with decency, the necessary proposals to government.

That I will have no regard in the nominating of burgher senators, at any occurring vacancy, to any relation, friendship, favour, or any other particular consideration, but only and faithfully to expert, pious, and respectable subjects.

That I will duly perform the instruction now decreed for the burgher senators, and cause, it as much as lies in me, to be performed, and generally behave myself so as it becomes a faithful burgher senator, without omitting it for love or hatred, or for any other reasons or considerations.

As truly God Almighty may help me !

The remaining enclosures have been printed in preceding volumes.—G. M. T.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON,
4th September 1823.

MY LORD,—In considering the state of the Correspondence of the Government of the Cape of Good Hope with my Office, and more particularly that of former years, it has occurred to me, that some arrangement might conveniently be adopted which, while it imposed no additional labor in the preparation of your Despatches, would have the advantage of materially facilitating the consideration of the subjects which you have occasion to bring under my notice, and also of rendering much more expeditious hereafter the necessary reference to Documents connected with those Subjects.

This arrangement would mainly consist in abstaining from treating more than one subject in the same despatch, particularly when those subjects are essentially different in their nature and require not only distinct consideration, but separate Instructions for your Guidance.

With this view it appears to me that your Correspondence might be properly classed and your despatches divided under the following Heads, Viz. :

Finance : Trade : Judicial Affairs : Military Affairs :
Slavery :

Civil Servants, (including all Questions as to their Appointments—Promotion—Claims—Leave of Absence—Resignations &c.) and

Miscellaneous :

The Subjects of your Correspondence so specified may conveniently be expressed at the Head of the despatches over their numerical Enumeration which is essential on distinct Grounds.

While I am upon this subject, I think it right to mention, that as the Correspondence of your Government is regularly bound in a Series of Volumes, and carefully preserved among the Records of this office, it is desirable that you should confine yourself to the use of some paper of uniform dimension. The

folio size is certainly the most convenient, that which in any degree exceeds it requires of necessity to be folded, a process which exposes papers to material injury by frequent reference and use.

I have only further to desire that this arrangement may be adopted from the 1st of January next. I have &c.

(Signed) BATHURST.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF ENQUIRY.*

COLONIAL OFFICE, CAPE TOWN,
5th September 1823.

GENTLEMEN,—In reply to your Letter of the 3rd Instant, I do myself the honour of transmitting to you herewith Copies of three Memorials which were presented to me in the month of January last by several inhabitants of the District of Tulbagh on the subject of the removal of the Seat of Magistracy to Worcester, together with a copy of the reply which had been given thereto by my direction. I have &c.


(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

To His Excellency Lord Charles Henry Somerset, Governor
and Commander in Chief, &c., &c., &c.

The Memorial of the Undersigned Inhabitants of Tulbagh
in the District of Worcester Respectfully Sheweth

That Memorialists during the time the Colony has been in possession of, and governed by the British Authorities, do with the most sincere gratitude acknowledge that government in every respect from that period to the present moment have not only kept in view the Welfare and Prosperity of the Colony, but endeavoured also to promote the views and Interests of every Individual in it, and this more especially has been demonstrated in the late grievous premeditated and threatened



Hostilities which recently took place on the Frontier Borders of this Colony, thereby favorably shewing that the main design of His Majesty's Government has been and ever will be to establish on a permanent footing the security and happiness of this Land.

Memorialists are fully aware that in consequence of the late heavy Tempest that prevailed in this quarter, whereby a great part of the buildings at this Drostdy were dilapidated, that indispensable necessity involved on your Excellency (more particularly as the expense attending their repairs would be considerable) to establish a new Drostdy at Worcester, and there to erect a village, which for these last eighteen years have not been attempted.

That altho' Memorialists are also well assured that these necessary Measures were by your Excellency from the best of motives, wisely adopted as a precaution against further contingencies, yet with the greatest deference, humility and respect, they beg leave to remark, that the journey from this and other Districts to the Drostdy at Worcester must be attended with the greatest unavoidable difficulties and inconveniences to those who have to attend there, but more especially will this inconvenience be felt in the winter and the dangers encrease in proportion as the Rivers Swell and for a considerable time are impassable.

Memorialists beg also to observe, that the Landdrost appears to be the only legal authority who is vested with the power of receiving the yearly Opgaaf, and to him therefore must the Inhabitants resort to pay their Customary Taxes.

Memorialists with the deepest sense of sorrow, further take the liberty to remark, that the Establishment of this new Drostdy (altho' Your Excellency has from the most pure and disinterested motives adopted the resolution) will subject the Inhabitants of this and other districts to much serious disadvantage, therefore Memorialists humbly suggest how far your Excellency may deem it expedient under existing Circumstances to appoint a Competent Magistrate in the Environs of Tulbagh, to whom the Inhabitants can have easy access.

Memorialists feel confident in their own minds and with the greatest deference and respect to your Excellency's superior Judgment and wisdom be it spoken, that the removal of the

late Drostdy in this District will not eventually answer the expectations of Government, but of this they are satisfied that should your Excellency deem it prudent to establish a Drostdy here, in Church Street, that it would be a great accommodation (not only to many of the inhabitants of this quarter, but to those also from Bokke and Roggeveld that pass this way, and above those it would be a most eligible spot for the erection of a very superior Village, and Memorialists are emboldened further to notice that they are fully of Opinion that with a small addition of money independent of the proceeds which might arise from the sale of the Government Buildings of the Old Drostdy, a neat satisfactory and compact Drostdy or Sub-Drostdy might be erected in the street answerable to every Convenience and expectation.

Finally Memorialists do most humbly acknowledge with the deepest feelings of gratitude, the high sense they unanimously entertain of the Parental Care with which your Excellency has watched over their concerns on every trying occasion, trusting that Your Excellency, who has recently been pleased to appoint over us the present just and impartial Landdrost, will further be pleased to regard with a favourable eye our honorable intentions with the above remarks, which are humbly and with great diffidence and Candour submitted to your Excellency's Consideration, and Memorialists will ever pray.

(Signed)

P. F. THERON, O. SON	J. A. DU PLESSIS
D. J. DE WAAL	ISAAC W. VAN DER MERWE,
J. J. THERON	C. SON
J. A. THERON, P. SON	BAREND JANSEN
C. J. JOOSTEN, P. SON	W. N. VAN DER MERWE
P. J. JOOSTEN	W. J. DU TOIT, W. SON
R. V. HARDE	P. L. DU TOIT, Z. SON
J. DU TOIT	S. J. DU TOIT, Z. SON
G. J. DU TOIT, Z. SON	R. P. ERASMUS
P. L. DU TOIT, P. SON	B. P. JANSEN
J. L. ERASMUS	J. C. JOOSTE, Z. SON
R. J. VERSTER	WEDUWE J. C. HUGO
W. C. JOOSTE	J. J. HUGO
J. C. ERASMUS	G. KEET.

TULBAGH, *January* 1823.

[Enclosure 2 in the above.]

To His Excellency Lord Charles Henry Somerset, Governor and Commander in Chief, &c., &c., &c.

May it please your Excellency to permit the undersigned Burghers, who have at all times conducted themselves with obedience and submission, to hope, that as a Father listens to the Prayer of his Children, so your Excellency will also listen to theirs, respecting the removing of the Drostdy from Tulbagh, to which under many inconveniences and difficulties they have submitted, notwithstanding the greater distance of from 7 to 10 hours, but the stronger objection is the danger in winter from the water, when on account of different requisitions they are called to the Drostdy, it is then their lives may be in danger, besides the risk of being overtaken by heavy storms, and by the swelling of the rivers be prevented returning, which would oblige them to incur considerable expenses, at the same time that these causes also affecting their Houses and other property while from home and unable to afford assistance, they may be exposed to heavy losses there also, and in case they did not obey such requisitions in order to avoid these consequences, they would render themselves liable to fines. The safest Roads are the Old Ones, and these are over high mountains and dangerous Rivers.

May it then please your Excellency to consider their interests, and doing so, permit them still to state, trusting that it may not be accounted to them presumption to do so, their apprehension of the heavy expence to be incurred by this changing of the Drostdy, respecting which, were they to remain silent, they feel Your Excellency hereafter would have good right to say "You who were interested therein, you complain now, why did you not speak at the time? Did you mistrust my Paternal Solitude for you, that you did not impart to me your apprehensions? You could not doubt but that I would have attended to them."

The Undersigned therefore take the Liberty freely still further to submit to Your Excellency, that they offer their joint Assistance for repairing the damages occasioned by the late storms to the Government Buildings, and to restore them

to their former State, so that they may retain their Old Drostdy of Tulbagh.

They hope that thus having addressed your Excellency may not be deemed disrespectful or give offence, and they commend themselves to your Excellency's Paternal protection.

Koude Bokkeveld, 21st January 1823.

(Signed) J. S. THERON, Field Cornet
D. J. DECKSEN
W. J. JANSE
PETRUS J. VAN DER MERWE
J. C. ANTHONIESEN
H. P. JANSSEN VAN RENSBURG
PETRUS VAN DER MERWE
CAREL H. KRUGER
G. S. WOLFAART, Field Cornet
P. L. THERON
B. PIENAAR
H. PIENAAR.

[Enclosure 3 in the above.]

To His Excellency Lord Charles Henry Somerset, Governor and
Commander in Chief, &c., &c., &c.

The Memorial of the Undersigned Inhabitants of Tulbagh
in the District of Worcester Respectfully Sheweth

That Memorialists although they greatly lament at the damages recently sustained by the late severe Tempest that prevailed at the Old Drostdy here, which induced your Excellency to establish a new Drostdy at Worcester, must confess that their Minds are still more imprest with the deepest sense of sorrow at the latter circumstance, as they will be subjected in consequence thereof to the greatest personal inconveniences and privations.

Memorialists have not only to regret at the removal of the Old Drostdy, the Situation having been eligible for most of the Inhabitants residing within its prescribed limits, but more especially do they deplore that the journey from this and other parts of the district to the Drostdy at Worcester will be

attended with the greatest difficulties and inconveniences to those whose Duty calls them thither, and will be still more sensibly felt at the approach of winter, when the Rivers begin to swell, and for a considerable time are thereby rendered impassable.

Memorialists beg also to observe that the Landdrost appears to be the only legal authority who is vested with the power of receiving the yearly Opgaaf, and to him therefore must the Inhabitants resort to pay these customary Taxes.

Memorialists do also anticipate that by the removal of the Old Drostdy, Poverty, Distress, and sorrow are likely to attend those who through indispensable necessity are obliged to remain at Tulbagh for want of employment, Reduction in the value of their premises, and many other serious disadvantages must arise in consequence thereof.

Memorialists do not pretend to possess that consummate wisdom, sound judgment, and great penetration which Your Excellency possesses in Government affairs, yet they are induced through motives of upright procedure, and the affection and support which they owe their respective families, to claim Your Excellency's attention to their Interest and Welfare in this transaction, as well as to others, wherein your Excellency's Parental Love has been so fully and satisfactorily displayed, and which they are bound in strict justice to acknowledge.

Memorialists in order to convince Your Excellency that their proceedings in this affair are governed by the most pure, moderate and disinterested motives, do hereby unanimously Consent (provided it should meet with your Excellency's approbation) to disburse the Expenses attending the repairs of the Government Premises at the Old Drostdy which they sustained last winter, under the restrictions that it may please your Excellency to re-establish the Drostdy here, which steps if adopted would tend to dispel that gloom which now hangs over their minds.

Finally Memorialists do acknowledge with the deepest feelings of gratitude, the high sense they entertain of your Excellency's unremitting solicitude for their mutual Interest and prosperity, and for the general welfare of this Colony, more particularly evinced in the late insurrection which took place

on the frontier borders of this Colony, and they feel proud in acknowledging how thankful they are, not only to the Superior Authorities under this Government, but to divine providence also, for the mild, liberal, humane and equitable laws by which it is governed, and they therefore trust and earnestly hope that Your Excellency will be pleased to view with a favourable Eye their honorable intentions with the above remarks, which are humbly and with great diffidence and candour submitted for your Excellency's consideration.

And Memorialists will ever pray &c.

(Signed)

A. JOHS DE KLERK, Field Cornet	J. P. JOOSTE
F. G. OLIVIER, Heemraad	D. RETIEF
D. J. THERON, Field Cornet	T. P. THERON, Heemraad
E. J. MARAIS, Field Cornet	C. DE KLERK
W. THERON	ABRAHAM VAN WYK
S. J. LIEBENBERG	W. A. HANEKAM
G. H. MEYER	CORNELIS DE KOCK, Senior
C. J. DE KLERK	S. WIES
J. W. THERON	H. J. MOLLER, Elder
J. C. DE KLERK	P. T. CONRADIE, Heemraad
A. G. de WET	C. MARAIS
J. F. CRUYWAGEN	D. MALAN
H. OLIVIER	C. J. DU TOIT
J. F. DE WET, Heemraad	J. W. MAAS
D. P. ROSSOUW	ROBERT KEARNS
F. DE BRUYN, Senior	P. VOGELGEZANG
F. J. MARAIS	C. A. BEENES
P. J. THERON	P. G. MOHR
J. D. THERON	B. DYKMAN
M. C. VOGELGEZANG	P. W. STEYN
JOHANNES HALS	J. D. NEL
J. DE KLERK	C. HOFMEESTER
P. C. DE BRUYN	J. W. THERON
JACOB DE BRUYN	G. RETIEF
P. G. DE BRUYN	P. THERON.

[Enclosure 4 in the above.]

Reply to the Memorials of the several Inhabitants of Tulbagh.

COLONIAL OFFICE, *February 5th, 1823.*

His Excellency the Governor desires Memorialists to be assured that he did not remove the Drostdy from Tulbagh without great consideration; that Experience had shewn that the situation of Tulbagh was inconvenient and improper, which circumstances were proved by the entire failure, after many years' trial, of establishing a Town there. That in availing himself of the moment at which it would have been necessary nearly to rebuild the old Drostdy to remove the Seat of Magistracy to Worcester, His Excellency was nevertheless not unmindful of the wants of the Inhabitants of the Kom of Tulbagh, since he appointed a Special Heemraad with the inferior Officers for their protection and continued the Church Establishment precisely upon the footing on which it had antecedently stood.

By Command of His Excellency.

(Signed) C. BIRD.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to the
COMMISSIONERS OF ENQUIRY.*

DOWNING STREET, LONDON,
9th September 1823.

GENTLEMEN,—I have received Earl Bathurst's directions to transmit for your consideration and enquiry a Copy of a Memorial which has been addressed to His Lordship by the Directors of the London Missionary Society, containing certain representations bearing on the religious interests of the Missions stationed in His Majesty's Settlements at the Cape of Good Hope, and affecting the moral and social improvement of the Hottentots residing at the several stations of the Missions;

and I herewith enclose for your information a Copy of the Answer to that Memorial which I have been desired by his Lordship to address to the Directors of the Society. I have &c.

(Signed) R. WILMOT HORTON.

[Original.]

Letter from MR. R. HARRIES to R. WILMOT HORTON, ESQRE.

17, BERNARD STREET, 10th September 1823.

SIR,—I had the honor to receive your letter of the 26th of last Month, in answer to my application made on behalf of Mr. Thomas Philipps a Settler in the district of Albany at the Cape of Good Hope, wherein you inform me that it is not the intention of His Majesty's Government to accede to Mr. Philipps' request, to be removed with his Family and followers to Van Diemen's Land, and to have a grant of Land in that Colony, but that with the view of ameliorating the present condition of the Settlers in Albany, it is proposed either to extend the grants originally made, or to bestow on them fresh ones, in a more promising part of the Colony and on favourable conditions.

While I acknowledge the benevolent views of his Majesty's Government, in the attempt to administer relief to the unfortunate Settlers, I hope I may be permitted to observe with respect to the former alternative, that unless the means at the disposal of the Colonial Government at the Cape admit of measures being taken, to protect the lives and properties of the Settlers, from the incursions of the Caffres, one of the most formidable evils which they have at present to contend with, will remain unabated.

As I cannot doubt however that this point has come duly under the consideration of his Majesty's Government I shall only take leave to express a hope that with the knowledge my Lord Bathurst possesses of the critical situation of the Settlers the proposed improvement in their condition may be carried into effect with that promptitude which the urgency of their necessities requires.

You will, I trust, pardon the expression of my anxiety to be informed when the instructions to the Colonial Government in conformity with the tenor of your Letter are to be forwarded and what steps it will be necessary for Mr. Philipps to pursue towards making his election of the two proposals graciously preferred by his Majesty's Government. I have &c.

(Signed) R. HARRIES.

[Copy.]

Letter from MR. W. R. WHITEFORD to MR. BISHOP BURNETT.

NEWLANDS, 10th September 1823.

SIR,—In reply to your letter of the 19th August, I am directed by his Excellency the Governor to state to you that it has always been his most anxious wish that every just claim upon the government should be satisfied, and that although he had clearly understood that your claim for the supply of grass to the Cape Corps had been decided by a competent court agreeably to the certificates supplied, he referred your letter of the 19th August to Major Somerset, who is proceeding to join his corps in a few days, and who on his arrival at Graham's Town will communicate with Deputy Assistant Commissary General Johnstone, and ascertain what sum you have received, and investigate the matter thoroughly with a view of reconciling, if possible, your claim with the entries made in the cavalry books. I have &c.

(Signed) W. R. WHITEFORD, A.D.C.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 11th September 1823.

MY LORD,—One of the great Evils under which this Colony has laboured has been the extreme difficulty of communication with the Interior in consequence of the impracticability

of the passages across the ridge of mountains which separates this peninsula from the remote provinces; it has therefore been one of my principal objects to encourage the amelioration of the present passes (termed Kloofs in the language of the Country) and one having been discovered, the road to which, after passing thro' the fertile subdivision of the Stellenbosch District called Drakenstein, winds thro' the mountains at its extremity, the French Hoek, and affords thereby an easy access to the whole of the Graaff Reinet, Uitenhage, George and Albany provinces, I urged the Magistracy of that District (Stellenbosch) to attempt this invaluable work, with such effect that it was nearly accomplished, and the District had expended a very considerable sum in the operation; but there still remained some obstacles which it became essential to overcome and complete so as to make the road generally useful; but the losses the district and Colony had sustained by events already known to your Lordship having disabled them from continuing the expence, I have been under the necessity of throwing the remainder of the burthen upon the Public Treasury, it will be covered by about two thousand five hundred pounds Sterling, and I am to solicit your Lordship's sanction thereof. It was imperative that no time should be lost in continuing the work, lest the Winter torrents should have damaged or destroyed what had been effected. It is unnecessary to press upon your Lordship the manifest benefit which the Colony must derive from a communication of this nature, and I therefore anticipate your approval of that which your Lordship will I am sure concur with me in thinking both necessary and indispensable.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Printed Pamphlet.]

Report of the Committee of the Society for the Relief of Distressed Settlers in South Africa : with the Resolutions passed and Speeches delivered at a General Meeting held at Cape Town, 17th September 1823, to which is subjoined an Appendix of Letters and other Documents, illustrative of the present condition of the Settlers. Cape Town : 1823.

Committee (Elected September 17, 1823) : His Honor Sir John Truter, LL.D., W. W. Bird, Esq., J. W. Stoll, Esq., Major Holloway, Rev. G. Hough, A.M., Rev. John Philip, D.D., Rev. W. Wright, A.M., Lieut.-Col. Pitman, Sir Richard Ottley, W. T. Blair, Esq., H. W. Money, Esq., W. Braddon, Esq., R. W. Eaton, Esq., R. J. Jones, Esq., A. B. Tod, Esq., J. Trotter, Esq.

Treasurer, R. Crozier, Esq.

Secretary, Mr. H. E. Rutherford.

Report.

The Committee entrusted with the management of the Settlers' Fund, in presenting to the Subscribers the account of the annual Receipts and Expenditure, are not aware that they can better redeem their pledge to the public, whose charity they have dispensed, or afford stronger inducements for the continued and more extensive exercise of that charity, than by laying before them a plain statement of their proceedings.

The Committee deem it essential, in the first place, to explain as particularly and satisfactorily as they can, the chief purposes to which the Funds of the Society have been appropriated. They will then offer a few of the details of the cases relieved ; and conclude their Report with one or two Extracts from the Accounts and Letters they have received respecting the existing circumstances of the Settlers. And they feel convinced that the simple narrative of facts, contained in these extracts, will justify their farther appeal to the liberality of the public, in behalf of sufferings which, though they cannot be effectually relieved by human means, may be greatly alleviated.

On a reference to the Account of Expenditure, the first item that occurs is a sum of 500 Rix Dollars remitted, at various periods, to the Rev. Mr. Shaw, at Salem, in the district of Albany, with whom your Committee have regularly corresponded, and to whom they are greatly indebted, both for the useful application of the Funds of the Society and for the very full and satisfactory accounts he has furnished, of the mode of their distribution. Mr. Shaw's extensive acquaintance with the Settlers, and his habit of frequently visiting the different locations in his ministerial capacity, render him peculiarly qualified to judge of their circumstances and characters, and to employ the grants of the Society, in affording relief to the most deserving, as well as to the most necessitous applicants. The following are a few of the cases which he assisted, extracted from his letters to the Society.

"Thomas Slater :—A man with a large family, and who has been long suffering under affliction ; The sum of 25 Rds. was advanced to enable him to provide food for his family, who were suffering in consequence of his affliction."

"Keevey :—A man afflicted with a rheumatic fever, and who had, by an accident, received such an injury in one of his hands, that for many months he was unable to work. After having sold the greater part of his cattle to support himself and family, during his illness, he became penniless, and his wife and five children suffered severely. I am happy in being able to report, that he is now so far recovered, as to be able to do something for himself."

Loss accruing by the sale of wheat :—"This sum (says Mr. Shaw) I conceive to have been as usefully applied as any of the money I have expended on account of the Society.

"A particular kind of wheat called 'Bengal Wheat,' solid in the straw, has succeeded in several parts of this district remarkably well, during those three years which have proved so fatal to all other kinds of wheat, in consequence of the blight. The distribution of this grain as extensively as possible amongst the Settlers, has therefore become an object of the greatest importance. The few individuals who had raised it during the last season, asked very high prices,—in some instances 50 Rds. the muid ; hence, many of the poorer persons were in danger of having none of this grain for seed, from their

inability to pay such a price for it. I thought I could not better fulfil the intentions of the Society, than by assisting such persons ; and therefore I obtained a few muids, which I sold at a loss of the sum here charged. By requiring everyone to pay a proportion of the expense, the total loss was not great, although a considerable number received assistance in this way, as it was sold in small portions, of from 20 to 30 lbs. each. I doubt not but that this item of your expenditure, by the blessing of God, will, during the next year, give bread to a number of families who otherwise could not have obtained it."

"Mrs. Freemantle :—This poor woman's husband was killed by the Caffres some time ago. She is left with a family of four children, whom she endeavours to maintain by needlework. The donation of the Society made the widow's heart to leap for joy."

"The sum of 60 Rds. was given to the relief of three families who were sufferers by fire ; in consequence of which, although capable of maintaining themselves, they were at the time reduced to the greatest straits, having all lost considerably. They appeared very grateful to the Society for its timely aid."

The next sum of 270 Rds. was voted by the Committee in aid of three cases of extreme distress, where the parties were highly respectable ; and the following is an extract from a letter received from one of these individuals, acknowledging the receipt of the money :

"I will thank you to tell the Committee of the Settlers' Fund, that I am exceedingly grateful for the assistance afforded me. It was a most timely relief, as my poor children and all my family were nearly naked. I shall endeavour to repay this sum as soon as I can ; but what our fate will be God only knows."

The next article of expence charged in the account is a sum of 579 Rds. for clothing, purchased in Cape Town, and forwarded by sea, to Algoa Bay :—this was also distributed under the direction of the Rev. W. Shaw.

The sum expended and placed next in succession, is the most considerable in the account, and was applied to one of the principal objects for which the Society was originally instituted, viz. the relief of the widows and families of deceased settlers. Nearly the whole of this sum has been distributed in Cape

Town ; the widows having, by the loss of their chief stay, been necessarily compelled to abandon their locations, and to seek a scanty livelihood for themselves and children, by those efforts of female industry which are generally but too inadequately requited.

The charge of 189 Rds. 6 Sks. next claims attention, and was incurred by sending to the Merchant Seamen's Hospital four settlers, who were suffering under illness, without any means of obtaining advice. It is, however, with pleasure that the Committee state, that in consequence of an Institution having been lately established, for affording medical aid under similar circumstances, this charge is not likely to recur.

The following sum of 102 Rds. was expended in forwarding to their respective owners several packages, which had been saved from the vessels wrecked in Table Bay, in June, 1822. As they consisted chiefly of agricultural implements, and articles of clothing, it was considered advisable to advance this sum, to render them available to the persons for whom they were intended, in the hope, that a part at least would be repaid by the owners.

The sum of 93 Rds. was paid for the interment of three individuals, who, not having paid taxes, were not, it appears, entitled to burial at the expence of the Town.

The next three charges require no elucidation.

The last article of expence is for general disbursements, made towards the relief of various cases of distress amongst settlers in this town ; a part of which has been returned by the individuals who received it,—as appears on the other side of the account.

Much has been said on the impolicy of relieving by pecuniary aid, the necessities of those settlers who, being free from the engagements under which they came out, leave their locations, and seek employment or assistance in Cape Town.

Your Committee readily admit, that, as a general system, such a measure would not only encourage idleness, but bring upon the Society claims, which it would be equally impolitic and impossible to satisfy ; yet circumstances may occur, of such a kind, as to render immediate assistance requisite.

Your Committee will not pretend to affirm, that they may not, in their endeavours to relieve abject poverty, sometimes

have extended aid to unworthy objects. When the application was made, (as it frequently has been), by individuals evidently suffering under the pangs of hunger, and *utterly* destitute, the urgent claims of nature have been satisfied, previous to a particular inquiry,—which, when made at a subsequent period, only tended to confirm the truth of the observation, that the extremes of misery and vice are commonly but too closely allied. Imposition has, however, been guarded against by persons being visited in their abodes. Of the sum expended in grants of this kind, since the last Annual Meeting, amounting altogether to little more than 400 Rds. (deducting the amount repaid), a great proportion was applied to the relief of four persons reduced to the utmost wretchedness by illness or accident. Of these persons one died, a second recovered,—and of the remaining two (which were cases of fractured limbs), one is now doing well, and it is to be hoped will repay to the Society a part of the money advanced.

The Committee now beg leave to lay before the meeting a few details extracted from letters addressed to the Secretary, or obtained from other authentic sources. (For the extracts here alluded to, and others subsequently received, see Appendix.)

ACCOUNT OF THE RECEIPTS AND EXPENDITURE OF THE SETTLERS' FUND
SOCIETY, SINCE THE LAST GENERAL MEETING.

	<i>Rds.</i>
To Balance of last Account	1,667
Unpaid Subscriptions	170
Subscriptions received since last General Meeting	1,958
Money returned to the Society	118

Rds. 3,913

	<i>Rds.</i>	<i>sks.</i>
By cash remitted to the Rev. W. Shaw, for distribution in cases of urgent distress, among Settlers residing on their locations	500	0
By Ditto paid for Clothing, distributed by the Rev. W. Shaw :	579	0
By Ditto, remitted by the Secretary to Settlers in Albany :	270	0
By Ditto, expended in monthly allowances to Widows with large families	677	0
By Ditto, expended for Medical Assistance	189	6
By Ditto, expended in forwarding to their respective owners, Goods saved from wrecked vessels	102	1
By Expence attending the Burial of Settlers dying in Cape Town	93	0

	<i>Rds. shs.</i>
By Cash expended on the purchase of tools furnished to Mechanics out of Employ	54 0
By Support afforded in lying-in Cases in this Town	40 0
By Cash expended for printing Reports, Postage, &c.	58 0
By Ditto, disbursed for various Cases of Distress in Cape Town, part of which has been repaid	527 1
By Balance at the Bank	723 0
By unpaid Subscriptions	100 0
	<hr/>
	Rds. 3,913 0

At the Anniversary Meeting of the Subscribers to the Settlers' Fund Society, held 17th Sept. 1823,—

(His Honor Sir John Truter in the Chair,)

The following Resolutions were unanimously agreed to:

It was moved by the Rev. Dr. Philip, and seconded by H. W. Money, Esq.—

I. That the Report which has been now read be received and printed.

It was moved by John Trotter, Esq. and seconded by T. Pringle, Esq.

II. That the Thanks of the Society be given to those Gentlemen who have acted as Members of the Committee, during the past year;—That a new Committee be elected for the ensuing year;—That the following Gentlemen be appointed, with the power of filling up vacancies, and adding to their number;—and, That any three of the Committee form a Quorum: His Honor Sir John Truter, W. W. Bird, Esq., J. W. Stoll, Esq., Major Holloway, Rev. G. Hough, A.M., Rev. John Philip, D.D., Rev. W. Wright, A.M., Lt. Col. Pitman, Sir Richard Ottley, W. T. Blair, Esq., H. W. Money, Esq., W. Braddon, Esq., R. W. Eaton, Esq., R. J. Jones, Esq., and A. B. Tod, Esq.

It was moved by Lieut. Col. Pitman, and seconded by W. T. Blair, Esq.

III. That the Thanks of the Meeting be given to the Treasurer and Secretary of the Society; and, that they be requested to continue to fill their respective Offices.

It was moved by Sir Richard Ottley, and seconded by R. W. Eaton, Esq.

IV. That the Distress of many of the Settlers is extreme,

and calls for the renewed and increased exertions of the inhabitants of this Colony, and of other parts of the British Empire ; and, for the purpose of encouraging Subscriptions, that the Proceedings of this day be printed and circulated ; and that the Resolutions of this Meeting, with a List of the Subscribers, be inserted in the Cape Gazette, and in the English and Indian Papers.

It was moved by the Rev. Dr. Philip, and seconded by the Rev. W. Wright :

V. That the Thanks of this Meeting be presented to the following Gentlemen, who have left the Colony, for the eminent services rendered by them to the Society, during their residence here :—Sir Jahleel Brenton, Bart., Gilbert Masters, Esq., J. Donnithorne, and W. O. Salmon, Esq.

It was moved by R. J. Jones, Esq. and seconded by G. Cadogan, Esq.

VI. That the Denomination of this Society be changed from the "Settlers' Fund Society," to that of "The Society for the Relief of Distressed Settlers in South Africa."

It was moved by H. W. Money, Esq. and seconded by W. Braddon, Esq.

VII. That John Trotter, Esq. be elected a Member of the Committee for the ensuing year.

It was moved by Sir Richard Ottley, and seconded by Samuel Bailey, Esq.

VIII. That the respectful Thanks of this Meeting be presented to His Honor Sir John Truter, for his obliging readiness in taking the Chair.

The Rev. Dr. Philip, in moving that the Report be received and printed, addressed the Meeting as follows :

While I congratulate this Meeting on the talent and respectability with which I see myself surrounded—on the importance of the object for which we are assembled—and the character of the Report which has just been read—I cannot help inquiring how it happens, that we are so thinly attended at our General Meetings ; that we have so few Subscribers ; and that such an extensive field held out to our cultivation, our operations should have been so limited ? I hope I shall be excused if I take up a small portion of your time, on the present occasion, on this question.

Does this arise from what has been said of late years respecting the abuse of this sort of charity?

I am ready to give this objection all the weight it can claim. I allow that by injudicious charity we may perpetuate the evils we wish to cure, and hold out a premium to vice and idleness. I am willing to go all the length that Malthus himself goes on this question; but I hope I shall be excused if I stop where this great champion of rigid economy stops. While Malthus shows all the bad effects of the general mode of relieving the Poor by assessment, this philosophical writer does not condemn Societies formed upon the principles of this Society. When commending active and voluntary benevolence, he enumerates several classes, as,—the Aged—the infirm—the Widow—the Fatherless, &c. whom he considers as having a legal claim upon us for support. He goes further. He allows even the vicious and the profligate to have a title to a certain kind of relief. Even to this class he allows Bread and Water,—articles extremely scarce among the most virtuous of that people, for whom I am now pleading. “In the great course of human events,” says Mr. Malthus, “the best-founded expectations will sometimes be disappointed; and industry, prudence, and virtue not only fail of their just reward, but be involved in unmerited calamities. Those who are thus suffering, in spite of the best directed efforts to avoid it, and from causes which they could not be expected to foresee, are the genuine objects of charity. In relieving these, we exercise the appropriate office of benevolence, that of mitigating the partial evils arising from general laws; and in this direction of our charity, therefore, we need not apprehend any ill consequences. Such objects ought to be relieved, according to our means, liberally and adequately, even though the worthless were starving.” Again, “I have already observed, however, and I here repeat it, that the general principles on these subjects ought not to be pushed too far, though they should always be kept in view; and that many cases may occur, in which the good resulting from the relief of present distress, may more than overbalance the evil to be apprehended from the remote consequences. All relief, in instances not arising from indolent and improvident habits, clearly comes under this description; and in general it may

be observed, that it is only that kind of *systematic* and *certain* relief, on which the poor can confidently depend, whatever may be their conduct, that violates general principles in such a manner, as to make it clear, that the general consequence is worse than the partial evil. When this first claim on our benevolence was satisfied, we might then turn our attention to the idle and improvident. But the interests of human happiness most clearly require, that the relief which we afford them should be scanty. We may, perhaps, take upon ourselves, with great caution, to mitigate the punishments which they are suffering from the laws of nature, but on no account to remove them entirely. They are deservedly at the bottom in the scale of Society, and if we raise them from this situation, we not only palpably defeat the ends of benevolence, but commit a most glaring injustice on those who are above them. They should, on no account, be enabled to command so much of the necessaries of life as can be obtained by the worst paid common labourer. The brownest bread, with the coarsest and scantiest apparel, are the utmost which they should have the means of purchasing."

Shall I be told that there is no surplus of misery among our countrymen unprovided for? I do not stand here on this occasion as the accuser of the Colonial Government, nor of the Local Authorities of the Colony; but we may certainly allow the possibility of distress, without any reflection upon any man, or any class of men. Reasoning *a priori*, I maintain it is impossible to remove five thousand men from their native country, and plant them in any other country under heaven, without involving a vast portion of suffering.

For an illustration of this subject, we have only to look to the different emigrations to America in the first colonization of that country. Many of the first Settlers suffered greatly, and some whole parties perished for want of the necessaries of life, on spots that are now supporting a dense population. The history of the Sierra Leone Settlement is well known. Many lives were lost, and much property sunk, before the experiment afforded any rational prospect of success. The colonization of New Holland is also a case in point. During the early period of that Settlement, the Colonists were often in the greatest distress. Several times they were under the

painful apprehension of death by famine. For six years they continued to receive a great part of their supplies from Batavia, from India, and from England, at considerable expense to the mother country.

From 1550 to 1570 (*sic*), including the first twenty years of the history of this Colony, although the number of the first Settlers was not one third of the number landed in Albany, it cost the Dutch East India Company twenty millions of Guilders. Though it is not my intention at present to attempt to account for the facts, yet it may be remarked, that there seems to be something in a virgin soil unfavourable to the support of human life ; and it seems to be with men as with vegetables,—they must suffer, after being transplanted, before they can take root.

One circumstance may be mentioned, in passing, which has added to the distress of the Settlers. In the emigration constantly taking place to America, the emigrants having landed at New York, Boston, Quebec, or some large town, find employment, assistance, or the means of subsistence in the countries through which they pass, and from the Colonists settled in the immediate neighbourhood of their locations ; but in the late emigration to this colony, we have between four and five thousand people conducted at once to a country possessed by a few Dutch Boors, who, in case of any failure of the Emigrants' hopes, could give them no assistance.

Among other means employed to give an unfavourable impression of the Settlers, a charge of Radicalism was attempted to be fixed upon them. In such a body of people there are, no doubt, many worthless and discontented individuals ; but I can aver, from my own personal knowledge, —and I have visited their different locations,—that I never met with an instance where there was less reason for this charge applied to the people as a body, than in the present case. What they are at this moment I will not presume to say ; but in the latter end of 1821, I was surprised to find so few persons of this description among them.

Shall we be told, to set aside their claims on our benevolence, that they want industry ? If, after the failure of so many crops, they neglect to cultivate the soil, to the full extent of the credit they may have given them, for physical

energies, is it matter of surprise? They cannot command the clouds of Heaven to rain upon their fields: they cannot raise the water, from the deep ravines to which it is confined, to irrigate their gardens: they cannot arrest Omnipotence, and stop the progress of that blight, which, through successive years, has destroyed the promise of the harvest. And, if under the repeated strokes of the Almighty, the mind loses its tone, when nothing but the powerful aids of Religion can prevent depression, and stimulate to perseverance, the unhappy sufferers are more entitled to our sympathy, than deserving of censure.

The claims of our unhappy countrymen upon our sympathy, are of more than an ordinary character. The writers of elegant fiction have been accused of injuring the cause of benevolence, by dressing it out in all the bewitching enchantments of eloquence. "All is beauty to the eye, and harmony to the ear. Nothing is seen but pictures of felicity, and nothing is heard but the pleasing whispers of gratitude and affection. The reader is carried along by soft and delightful representations of virtue. He accompanies his hero through all the fancied varieties of his history. He goes along with him to the cottage of poverty and disease, surrounded, as he may suppose, with all the charms of rural seclusion, where the murmurs of an adjoining rivulet accord with the finer sensibilities of the mind. He enters the enchanting retirement, and meets with a picture of distress, adorned with all the fascinations of romance. Perhaps a meritorious officer, who has fought the battles of his country, is languishing on the bed of affliction, without the means of subsistence, and without an attendant, save a son of tender years, to sympathise with him in his distress; and whose helpless years, and destitute condition, add poignancy to his grief. Perhaps, in the midst of a barren wilderness, and surrounded with wild beasts, he unexpectedly meets a female, whose slender form, whose elegant motion, whose sudden confusion, and whose instant attempt to escape, excite the most powerful curiosity. She flies to elude his further inquiries: he follows: and, entering a miserable hut, discovers himself an unwelcome intruder: he apologizes—he is shocked—he finds the inmate of this humble shed invested with every female grace: he felicitates

himself on his good fortune : his tears flow, his heart dilates with all the luxury of tenderness ; ‘ the visions of Paradise play before his fancy ;’ his whole soul is absorbed in plans that embrace the future felicity of this interesting family : he gives his last shilling, and imparts it with so much delicacy, that he makes them feel that he is receiving not conferring a favour.”

The lovers of romance—the epicures of feeling—can have no pretext for treating the objects now calling for their sympathy with indifference, for want of these romantic accompaniments. The admirers of this sort of fictitious history ; our modern sentimentalists, who revel in all the soft delusions of an ideal philanthropy, may see all the high-wrought fiction of the “ romantic tale, all the imagery of the poet’s song,” reduced to sober reality ; if we exclude from the picture, the benevolence which wipes the tear from the eye of distress, which affords relief to the necessitous, and restores to society and happiness the destitute sufferers. Here we have distress attended by all the attractions that ever fancy conferred upon fiction. And what is the sympathy this distress calls forth ? We are told that the sufferers are *Radicals* ; *that they are worthless people ; or that the alleged distress does not exist.* To this unsupported assertion I oppose incontrovertible facts : I oppose a number of letters from the most respectable individuals in Albany, which I now hold in my hand : I oppose the most respectable witnesses, who have lately visited the locations ; and to the evidence of these witnesses, I add my own testimony ; being able, from what I myself observed among the Settlers, to corroborate many of the statements contained in the Report. In that country, which was described in all the glowing tints of eastern imagery ; which was held out to the poor Settlers as a *second Land of Promise*, as a “ *Land literally overflowing with milk and honey,*” you may see the fingers, which seldom moved but to paint for the eye, or to charm the ear, tying up cattle, or stopping up the gaps of their enclosure : females, on whom, in England, the wind was scarcely allowed to blow, exposed to all the rage of the pitiless storm ; mothers with large families, who used to have a servant to each child, without an individual to assist them in the drudgery of the house, the labour of the

dairy, or the care of their children ; families who used to sleep upon down, with scarcely a sufficient number of boards, or a sufficient quantity of straw, to keep them from an earthen floor ; young females, possessed of every accomplishment, reduced to feed a few cows, almost the sole dependance of the family ; men, who have held the ranks of Captains and Paymasters in the army, driving waggons, without shoes or stockings !

In a tour I made through the locations of the Settlers, I found a Gentleman, whose connexions at home I knew to be respectable, with two lovely daughters, without a single servant, male or female, upon the place. I asked him, how he came to be in this situation? In reply, he said, with much mildness and apparent resignation, "I have sunk my all, I have spent my last shilling, and I have never reaped one handful of produce from my farm !" On another location, I entered a house in which I was ushered into the presence of a female, whose dress and circumstances exhibited such a contrast to her manners and former connexions in life, that, when she began to talk of Sir John —, Sir Wm. —, General —, Lady—, as her relations, and to ask me if I knew such persons, it required a considerable effort to persuade myself, that I was not listening to a person under mental derangement. To describe all the heads of the parties I met under similar circumstances, would be to enumerate the greater part of them.* I am fully satisfied that, if, in some instances, clamorous individuals may have exaggerated the miseries of their own condition, one-fifth of the real distress of the Settlers, as a body, has neither met the public eye, nor been made known by their own report.

If there be anything interesting in the condition of an Emigrant, to him that knows the heart of a stranger in a strange land ; anything to excite pity for men smarting under the rod of the Almighty, like Job, when he exclaimed, *Have pity upon me, Oh ! my friends, have pity upon me, for the hand of the Lord has touched me* ; anything to excite sympathy in Old Age, bending over the grave of a partner in life who has died of a broken heart ; anything touching in

* See Letters of Capt. B. and others in the Appendix, which powerfully affected the Meeting, on being here quoted:

the name of Widow ; anything tender in the condition of Fatherless Children ; anything affecting in the sight of young accomplished Females, reduced, not to the spindle and the distaff, but to the drudgery that falls to the lot of the slave in the service of the African Boor ; if there be anything in hunger and nakedness to excite pity—we have all these claims embodied in this Institution. The Ancients had a temple dedicated to Pity—the human heart is the proper seat of pity ; and what objects can have a greater claim to pity, than those in whose cause we are assembled here this day ? I may be told there are greater objects of pity than these Settlers. I admit the fact ; and if asked who they are, I reply,—they are those persons who wish to destroy our sympathy towards our unfortunate countrymen ! I would rather be the greatest sufferer in Albany, than be in the condition of those individuals, who not only refuse to relieve their distress, but would prevent others from doing it. “ They that be slain by the sword, are better than they that be slain with hunger ; for these pine away, stricken through, for the want of the fruits of the field.”

Mr. Blair, on seconding the Third Resolution, expressed himself as follows :

I have much pleasure, Sir, in seconding the Resolution which has now been moved. If thanks are due to anyone, it will, I think, be acknowledged that they are in a particular manner due to the Secretary, both for the interesting Report we have just heard, and for his unwearied attention to the interests of the Society. To his personal visits and minute examination into the circumstances of the different cases of distress, the Society, as it appears to me, is mainly indebted for the prevention of abuses, and the most judicious application of its funds ; and I have no doubt that he will willingly continue to render the same assistance in future, and with the same beneficial effects.

But, Sir, a more powerful appeal to the best feelings of every benevolent mind, cannot well be imagined, than is to be found in the extreme distress of the unfortunate Settlers in Albany ; as is but too evident from the Report of your Committee, as well as from the speech we have just heard from the Rev. Dr. Philip ; and there are very few, I am persuaded,

to whom the appeal will be made in vain. As, then, we have freely received, so let us freely give—we shall have our reward in the prayers and benedictions of the fatherless and the widow, and inherit the blessing pronounced on those who give even a cup of cold water to the necessitous and the destitute.

The Secretary—

In returning thanks for the honour conferred upon himself and colleague, by the resolution just passed, attributed the kind expressions used by the gentleman who had seconded the resolution, to the politeness which distinguished that gentleman's character, and which led him to speak favourably of the meanest efforts and most humble individuals. He had accepted the office of Secretary, under the impression, that some person better qualified for it would soon have relieved him. He was at the time perfectly unacquainted with the duties that would devolve upon him, and he felt conscious that, from the want of experience, those duties had been but ill performed; he begged however, to assure the Meeting that whilst he should most readily relinquish his charge to any gentleman who would have the kindness to take it upon himself, he would, on the other hand, as cheerfully continue his services so long as they were considered in the smallest degree useful in promoting the views of the Society.

Sir Richard Ottley, on moving the Fourth Resolution, addressed the Meeting to the following effect:

I am aware that this is a novel motion, that nothing similar has been proposed at former meetings. I therefore feel myself called upon to state those grounds which have induced me to bring it forward, and to suggest such arguments as I trust will warrant its adoption by the Society.

I shall abstain from all topics which might appear to be introduced for the purposes of declamation, and all exaggeration of the sufferings of the Colonists. That their distress is serious—that their wants are urgent, and call for our immediate assistance, cannot be doubted by any one who has attentively considered the documents presented to the Society, and the statements received from those who have had the best opportunities of ascertaining the situation to which the Settlers are reduced. We might enlarge much upon the state of destitution and

nakedness in which many of the inhabitants are placed, and the scenes of calamity and woe which are presented to the eyes of those who have visited the locations. But I prefer to confine myself to those facts which are contained in the Report, and which have been stated during the course of this day's proceedings, because we have had an opportunity of examining the truth of those facts. All those statements have been made by eye-witnesses; by gentlemen who have resided amongst the Settlers, or have travelled through the districts where the Colonists have been fixed. The existence of those calamitous circumstances having been sufficiently proved, it becomes our duty to search out and apply the best remedy in our power. I therefore propose, in the first part of my motion, that we should renew and increase our exertions in behalf of the objects in whose welfare we are interested. This is absolutely necessary on our part, because, upon looking at the state of our finances, I perceive, that we possess only the balance of 723 Rds. applicable to their relief—a sum wholly inadequate to afford the assistance which is now so imperiously demanded. But I do not rest here. The ulterior object of my motion is to call upon others to co-operate with us in the same benevolent work; and we cannot expect that other persons residing in distant countries should come forward with their money, if they see that we are idle and unconcerned. But if our fellow countrymen in England and other parts of the world are informed that we are making efforts, and are endeavouring to augment our means in proportion to the increased wants of the sufferers, we may hope that they will be ready to assist, and to supply the deficiency which remains, after we have exhausted our resources.

The Settlers may properly be divided into four classes.—
1. The heads of parties. 2. Those who have joined together and have been working upon a joint stock. 3. The Agricultural Servants; And 4. The Mechanics. Of these classes of persons, the two latter descriptions are alone exempted from the sufferings which have afflicted the others; and it is therefore for the purpose of assisting the two former classes, that I call upon this Meeting to adopt the present motion. The heads of parties are those who have been most severely afflicted, and they are the persons who are least likely to make their

afflictions public. They have lost nearly the whole of their capital, and have received no return for the grain which has been sown. Three successive failures have reduced to penury all who depended upon the produce of the earth. Those who have traded upon a joint stock are nearly in similar embarrassments. It is in favour of these persons that we are peculiarly called upon for assistance. But numerous are the sufferers of all denominations. Women who have lost their husbands—children deprived of their parents—what resources have these ?

The Report has brought to our notice more than one instance of persons almost in a state of destitution, and who are literally deprived of all means of support, except those which are afforded by our subscriptions. We must, then, renew our efforts ; we must give all we can afford ; and having done so, we may request others to come forward also ; and whenever such an appeal has been made to the hearts of the English people, that appeal has seldom been made in vain. Unworthy objects have too frequently found means to impose on the generosity of the people of England, and have obtained those alms which might have been better appropriated ; but when a case of real distress has been brought home to the knowledge of our countrymen, few instances are recorded in which they have refused to afford relief.

I wish, further, to let the distress of the Settlers be made known in India. Many gentlemen from India are now resident—or in the habit of visiting this Colony. They will be enabled to ascertain the reality of the present distress, and to afford such information as may tend to verify our Report, and to give effect to those measures which it is our object and our wish to promote.

The Rev. Dr. Philip, on proposing thanks to the friends of the Society who had left the Colony, said—

That whatever hesitation he had felt on a former occasion, in moving thanks to the India Gentlemen, for their kind support to the Society, from a fear of wounding the delicacy of such as were present, he could feel none at this time, when the thanks were restricted to those who had left us. It had been beautifully remarked by a celebrated author, “That death sets a stamp upon the character, and places it out of the reach of Fortune.” Such a stamp might be said to be affixed to the

character of the gentlemen whose names he was about to read. They had, during their residence amongst us, been ever foremost in every charitable institution ; and had, in a particular manner, assisted and supported the objects of this Society. Indeed, it might almost be said to owe its present existence to their fostering hand.*

The Rev. W. Wright said—

That it was with feelings of peculiar satisfaction that he rose to second the motion of his worthy friend, Dr. Philip. Participating, as he did, in the sentiments which had animated the Meeting, he felt that it would be impossible for him to add anything to what had been already delivered in defence of the objects of the Society. He could not, however, forbear taking that opportunity of stating to the meeting, the advantages which he had at all times witnessed to have been derived from the zealous co-operation of the respectable servants of the British Government in India ; who had been most steady friends to the Society, recruiting its slender funds by their liberal donations, and giving it the advantage of their countenance and protection, by which its character was maintained, and its almost dying embers were rekindled. Mr. Wright passed an encomium on the benevolent nature of the charity, and felt, that if the respectable gentlemen, to whom he was endeavouring to pay this humble tribute, could derive any additional pleasure to that which they must enjoy from having been the happy instruments of so much good to their fellow creatures in distress, it would arise from the knowledge that their services were not forgotten.

Mr. H. W. Money—

While he acknowledged the claims of his Indian friends, who had left the Colony, to the thanks of the Meeting for the services they had rendered to the Society, disclaimed the degree of merit, ascribed in the observations just made, to the gentlemen from India, for their exertions and assistance in forwarding the objects of the Society. They had acted from the impulse of those feelings—the feelings of Englishmen—to which, it had been observed, an appeal had never been made in vain.

* The Society originated in 1820, from the benevolent exertions of Captain Moresby, Commander, and Mr. Shawe, purser, of His Majesty's ship *Menai* ; and of H. Ellis, Esq. Deputy Colonial Secretary.

APPENDIX.

The two following letters were written by gentlemen who are both Heads of respectable Parties, and who had lived in genteel and comfortable circumstances in their native Country :—

“Graham’s Town, 23rd Dec. 1822.

“I received your letter, and am glad that some one thinks it worth while to enquire after so wretched a being as myself. I am sorry to tell you, our dear little Matilda is no more. She was with me while reaping some barley, when I told her to go to the house to bring me some water to drink ; she ran off, and fell on one of those vile reptiles that abound in this part of the Globe, and was stung. I attended my sweet babe for seven days and nights, during which she was in the greatest agony, until mortification took place. She then recovered her senses—prayed for her poor mamma and papa, and expired quite easy, on Tuesday, at four o’clock. She was a lovely child, only four years old, all my misfortunes are nothing compared to this ; she was our last and only child.

“You ask me for an account of our situation ; which I will give you, and I believe it is applicable to all the Settlers, as regards our crops and prospect of food for the ensuing year. My wheat, two months ago the most promising I ever saw in any country, is now cut down and in heaps for burning, before we plough the ground again. The rust has utterly destroyed it ; not a grain have we saved. My barley, from the drought, and a grub which attacks the blade just under the surface, produced little more than I sowed. My Indian corn, very much injured by the caterpillar ; cabbages destroyed by the lice ; the beans all scorched with the hot winds ; and carrots run to seed ; the potatoes are good, but I have but a small quantity. Our cows are all dry from want of grass : not the least appearance of verdure as far as the eye can reach. Nothing but one great wilderness of faded grass, something resembling a couchy fallow in England. On Saturday, whilst watching by the sick bed of my dear little girl, I was startled by the cry of wild dogs.* I ran to the window, and saw about

* The Wilde Hond, or Wild Dog, of the Cape, is mentioned by Burchell as an undescribed and very ferocious species of the Hyæna.

thirty of those ferocious animals : before I could drive them off, they killed twenty of my flock, which consisted of 27 in all. I stood for a moment thinking of my misery—my dying child—my blasted crops—my scattered and ruined flock. God's will be done ! I have need of fortitude to bear up against such accumulated misery. Farewell."

GRAHAM'S TOWN, 28th Jan. 1823.

"We are all here struggling in the same way in which you left us, or rather worse ; our prospects being still more gloomy, as the crops have again very generally failed in this part of the country. We have also this season been troubled with a new enemy : the caterpillars and locusts have been so numerous, that our gardens are totally destroyed. I took the greatest care of mine, and the prospect of its producing something cheered us a little ; but this unexpected visitation has thrown a complete damp on our exertions. The season has been so dry, that many farmers in the Graaff Reinet district have been obliged to leave their places for want of water. Several whom I know here are forced to send 3 miles for what water they use for domestic purposes. Bread is now quite out of the question ; the scanty allowance of half a pound of rice is all we get. We feel much the want of vegetables, sometimes being under the necessity of living several days on meat alone. The Caffers are very troublesome ; they lately stole 24 head of oxen from me ; but misfortune has so long been my companion, that we begin to get reconciled to each other."

The next two extracts are selected from letters now before the Committee, and are written by a Gentleman who formerly held a Captain's commission in His Majesty's service. They are addressed to a private friend, who had collected a small subscription for him in Cape Town :—

"Feb. 17, 1823.

"To my friends, and the friends of humanity, I am indebted, I may say, for the existence of myself and family ; for really, but for their kind interference, we must have perished.

"If I could only see any kind of bread of my own growing, I should be happy. 'Tis now nearly three months since we had any bread to eat, and, indeed, very little rice. If I could any way get a bag of meal, it would be a great relief.

"I am very sorry to be so troublesome : however, necessity compels me to do what my nature somewhat recoils at. We are very badly off for breakfast, which now usually consists of a bit of fried cabbage, or pumpkin stewed. If we once again get bread we will enjoy it sweetly."

" May 23, 1823.

"Every necessary is so extravagant in Graham's Town, that it is impossible to come at clothing. My sons and myself are very naked, and the weather is now excessively cold. If I could but get the price of a pair of new wheels for my waggon, I would put my son J—— on the road, and he would earn a little by drawing loads for the shopkeepers in Graham's Town. The calico will be a great relief when it arrives. A whole shirt will now be a great luxury.

"We are at present as badly off as ever. The four cows that gave us milk, which was a great part of our support, are *dry*, owing to a disease now prevailing among the cattle throughout the country."

The following interesting passages are extracted from the MS. Journal of Mr. F—— (a Gentleman well known to several members of the Committee), who travelled through the English locations in March and April last, and personally witnessed many of the facts which he relates :—

" March 31.

"Visited Scanlan's Party.—There are only three families remaining here, out of seven of which it originally consisted. They were all, but one, shoemakers, and might have obtained plenty of employment among the Settlers, were it not that there is not one in twenty who has now money sufficient to purchase a pair of shoes ; and in fact, the Settlers are generally found without them. These people have still a few cattle, but have lost many by the Caffers. Indian corn and pumpkins are their only produce."

" April 1.

"Mr. Mandy informed me that many in his neighbourhood were in the greatest distress, and that some had killed their last cow for food."

"Baillie's Party.—Mr. Adams, who is head of one division

of this party, informed me that there were only thirteen or fourteen families now remaining on the location, out of the whole of this large settlement. He added, that there was much distress among those who remained ; and instanced one person of the name of H——, who had formerly been in good circumstances, but who, from the failure of every other resource, had that day been forced to go to Graham's Town, to sell some of the small remaining part of his clothes, to keep himself and his family from starving, for absolute want."

" April 3.

" Visited Smith and Cook's parties.—Three persons belonging to these two parties had some wheat grown this year ; and at one of their houses, I eat the first and last bread that I met with in Albany, made from wheat grown by any settler. A few of the other settlers have bought some of this wheat for seed, at two skillings per pound."

" It is most distressing to see the husband and wife, with scarcely anything to cover them, and their children in the same condition, lying on the ground on the outside of their miserable huts, roasting a few heads of Indian corn, probably the only food they have. Many have nothing but pumpkins. One family of the name of H——, had not tasted butcher's meat, nor I believe bread, for about three months ; and their children were running about without clothes. As for shoes or stockings, they are seldom to be seen on either old or young.

" I am sorry to be obliged to remark, that all that honest boldness of character, so conspicuous in the yeomen and labourers of England, seems to have left these wretched emigrants ; and they now appear to meet their disappointments and misfortunes with an indifference bordering on despair."

" Hyman and Ford's party are in a truly miserable plight, with scarcely any thing to eat, but a few vegetables. I here saw an aged couple in almost a starving condition. On going into their hut, I found the poor woman boiling a little pumpkin soup, which was mixed with some milk. She said this was the only food they had ; and their wretched dwelling was neither wind nor water-tight.

" At a little distance I met what had once been, as I was told,

a fine hearty-looking young woman, but now miserably emaciated—apparently about twenty-four or twenty-five years of age. She was leading one child, another was following, and a third was on her arm. They were all without shoes or stockings. The woman's *dress* (if such it could be called), consisted of the remains of an old tent tied about her ; the children were clad in the same manner ; and the canvas appeared so rotten, that it would scarcely hang on them."

" April 4.

" On reaching Wilson's party, we met with many persons who had formerly been in a respectable situation of life in England, and had brought out some property with them. This is the description of people who have suffered the greatest privations and calamities. I spoke to one or two respectable women, who gave me a more lively idea of their melancholy situation, by replying to me in a manner that immediately evinced that they had been well educated, and brought up in good society ; though they now appeared to be half starved, and almost broken-hearted, with their persons neglected and in rags. At this place, their gardens had generally failed, and the corn altogether.

" April 6.

" Captain —, and his two sons were without shoes or stockings ; and, actually, without sufficient clothing of any kind to cover their naked limbs. Their corn had totally failed from blight, and their garden had scarcely produced anything, in consequence of drought and caterpillars."

" Mrs. Currie (who has a shop at Bathurst), told me, that though almost every settler was in the greatest distress for want of the common necessities of life ; and though the articles she sells are chiefly of this description, yet, there was almost no demand ; because not one in fifty had a single Rix Dollar to expend. Such, however, she added, was the distress of some, that she could not help giving credit, though with little or no prospect of ever being repaid."

The remaining selections have been furnished to the Secretary from different most respectable quarters.

The first is extracted from a Letter addressed to Mr. T.

Pringle, by a Medical Officer on the Caffer Frontier, and dated August 29, 1823.

“During my recent stay at —, I had opportunities of seeing a good deal of the actual state of the Settlers in Albany ; and I can truly declare, I never witnessed so much poverty and misery before. Whilst your friends on the Bavian’s River are reported to be in comparative comfort and prosperity, our countrymen in the Zuureveldt are without the necessaries of life.* Disease too was amongst them, and some families presented a deplorable picture.”

The next is also taken from a private letter addressed to a gentleman now in Cape Town. It is written by an individual of high character and connections, and who has honourably held the office of Justice of the Peace in England, and that of Heemraad in South Africa.

“Sept. 1, 1823.

“My family are this day without bread, and I can procure none in Graham’s Town, at any price. Rice is also very dear and scarce. Now, in our fourth year, our privations are greater than ever. The Spring-bucks are increasing so much, that all my own corn and my nearest neighbour’s on the plain has been entirely eaten down. My people are obliged to take their turns in watching them all night. Barker and Biggar have severally lost 30 and 40 head of cattle last week, by the Caffers : Stanly, all his yesterday.”

The same gentleman, on the 8th September, says :—

“Before our present crop is ripe, much distress will be felt for want of food. It is really lamentable to hear of and witness the distress that now prevails from this cause. A poor Irishman told me to-day, that many families, besides his own, were living ‘like the soldiers’ horses—on green forage,’—for he had eaten nothing during the last two days, but lettuces and leeks ! Times are so hard that we cannot employ labourers.”

* The Scotch Party are located far up in the interior, on one of the sources of the Great Fish River, parallel with the Sneeuwberg ; and have suffered less from the blight than any other Settlers.

In a communication dated Sept. 27th, we have the following statement from the same correspondent :—

“ I was yesterday asked to join in a petition to Government to send down Indian corn for seed to the settlers, as it cannot be procured here. I have been this week at the Kowie with my waggon, to get flour and rice from the little vessel, (the *Good Intent*), which came in a day or two before. I was fortunate in getting one bag of brown rice for my share, for which I paid 20 Rds. The whole of her cargo was flour and rice, and was disposed of in the boat as it was landed : and numbers went away without a morsel, declaring, that their families at home were without grain of any kind. It was, indeed, most pitiable to witness the disappointment of those who had hoarded up a few dollars for this arrival, and returned empty. I saw some of Thornhill's, Smith's, Cock's, the Nottingham, Wilson's, Bradshaw's, Southey's, and Holder's parties ; to all of whom I put the question, whether they could spare me half a muid or so of Indian corn ? The universal reply was, ‘ We have none for our own use—we have not even enough for seed.’

“ The rust or blight is very prevalent both in the rye and solid-straw wheat, but I sincerely hope they will not be materially hurt. All the other forward wheats have suffered as usual—nothing remains of them.”

Another gentleman, whose high respectability and moderate sentiments, are also well known to the Committee, writes to a friend on Sept. 29, as follows :

“ I am not one who wish to encourage the reports of general distress for food ; but to say that the Settlers have *plenty*, is too barefaced. I believe very few have sufficient Indian corn for seed. Applications are made to me from all quarters for it, as I happen to have a little to spare. With respect to our crops—the Cape wheat has entirely failed ; the solid-straw, or Bengal wheat, I trust, will answer ; and experience has taught the Settlers, that they must plant plenty of Indian corn and pumpkins. Should these succeed, bread will not be absolutely wanted. But the most serious thing is the distress occasioned by the Caffers taking the milch cows. Numbers of little farmers who had got together twenty or thirty cows, and

were thereby enabled to support their families, and sell butter sufficient to purchase bread, have been deprived of their little stock by these savages, and compelled to quit their locations, and seek employment in Graham's Town."

Mr. Collis, proprietor of the only mill hitherto established in the new settlements, states, in a note dated 29th September :—

"That no *wheat* grown by any Settler had ever yet been brought to be ground at his mill ; but that it had been partly occupied up to the end of July last, in grinding barley, Indian corn, and a little rye, reaped by Settlers last season. Since that period, not six muids of grain of any sort had been received into the mill ; and out of that, (he adds), several persons have taken back maize for seed, so it is evident there is none in hand to grind."

The correspondent referred to at page 27, continues on the 30th September : "The report that the Settlers have had abundant crops of Indian corn, or that they have now any tolerable supply remaining, is utterly untrue. It is now selling at one shilling (English) *per quart*, for seed. Since I came from home, I am sorry to find that the prospects for harvest are worse : rust and drought are destroying everything. The Caffers continue uncommonly active, Pigot, Cooper, Bester, Delport, Erasmus, and Vandyke, have all lost cattle. If we have not effectual relief in a very short time, we must quit our locations. It is become really distressing and alarming, Oh, for Van Dieman's Land ! I am heartily sick of it, and dread being a moment from home on account of the Caffers."

SUBSCRIPTIONS NOT PREVIOUSLY ADVERTISED.

	<i>Rds.</i>
His Excellency Lord C. H. Somerset :	200
Sir Richard Ottley	150
John Thomas Bigge, Esq.	100
W. G. M. Colebrooke, Esq.	100
J. Gregory, Esq. (Secretary to the Commission)	100
W. W. Bird, Esq.	50
Commodore Jos. Nourse, C.B. : : : . .	100
Captain R. Hay, R.N.	100
Rev. Geo. Hough, A.M., Col. Chaplain	50
Rev. John Philip, D.D.	50
Lieut. Col. Pitman, H.C.M.S. : ,	150

	<i>Rds.</i>
W. T. Blair, Esq. H.C.C.S. : : : : :	50
Edw. Sheffield Montague, Esq. ditto : : : :	103
H. M. Pigou, Esq. ditto : : : :	75
A. B. Tod, Esq. ditto : : : :	300
H. Walters, Esq. ditto : : : :	100
P. Cherry, Esq. ditto . . . :	100
John Trotter, Esq. ditto : . . :	100
H. W. Money, Esq. ditto. . . :	100
Colin Lindsay, Esq. ditto . . . :	100
W. Braddon, Esq. ditto . . . :	100
Rev. W. Wright, A.M. . . . :	20
Mrs. Colonel Munn :	20
Mr. S. E. Toomer :	50
A. Johnston, Esq. : : : : :	30
G. Cadogan, Esq. : : : : :	50
S. Bailey, Esq. :	50
Mr. F. Dickinson. :	20
Mr. H. E. Rutherford :	50
Mr. T. Pringle :	20
A Friend : : : :	25
R. W. Eaton, Esq. : :	50
R. J. Jones, Esq. : :	50
Edward Flaherty, Esq. : : : : :	30
Mr. G. Greig : :	70

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, 18th September 1823.

MY LORD,—I have authorized the Secretary of the Society for the encouragement of Arts, Manufactures and Commerce to transmit to Your Lordship in future through this Office a Copy of the Premiums annually offered by that body, amongst which are many that have been expressly proposed for the benefit of British Settlements abroad, and I have to desire that Your Lordship will cause those which refer to the Cape of Good Hope to be published in the *Gazette* of the Colony, with a view of exciting the attention of the inhabitants to the advantage that may accrue to them from the production of various articles of Export apparently adapted to their climate and Soil, and for a supply of which this Kingdom is now chiefly, if not

altogether, dependent, upon Foreign States. It is also my wish that every reasonable facility should be afforded for the transmission to England of communications and specimens of the Colonial productions. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from SIR JAHLEEL BRENTON to JOHN BARROW, ESQRE.

BATH, 20th September 1823.

SIR,—I have to acknowledge the receipt of your letter of the 17 inst., inclosing copies of a despatch from Lord Chas. Somerset to Earl Bathurst representing the necessity of taking measures for remedying the inconveniences that are felt by H.M. Ships and by the Merchant Shipping from inability of Boats to water at Simon's Town after half tide, and conveying the directions of the Lords Commissioners of the Admiralty for me to report my opinion as to the necessity of the measure.

I beg leave in consequence to state that I consider the proposed extension of the wharf at Simon's Town absolutely necessary for the convenience of Merchant Vessels, having long observed the decrease of the depth of water there by the accumulation of Sand, but am of opinion that the expense required for that purpose ought not to fall in any proportion upon the Naval Department, as the port charges paid by Merchants present a fund for the purpose, it is also well known that the principal object in view is to accommodate the Merchant Shipping and to facilitate the duties of the Custom House.

Whilst the subject is before their Lordships I think it my duty to state that a much more efficient Jetty in stone at a less expense might be carried out from the middle of the town to a small rock called Sober Island, the Sand between the rock and the shore is dry at low water. Labour only would be required. Stone may be procured in any quantity by blasting the surrounding rocks. The Jetty might in a few months be brought to possess all the advantages of the present wharf, and by crossing the direction of the worst and most prevailing winds enable Ships' Boats to take in their supplies in the worst

weather or anchors to be sent off to vessels in distress which it is impossible to do from the present Jetties in a heavy South East Gale from their leewardly situation. I have &c.

(Signed) J. BRENTON.

[Original.]

Letter from MAJOR JAMES JONES to R. WILMOT HORTON, ESQRE.

VERSAILLES, September 21st 1823.

SIR,—I beg to acknowledge the receipt of your letter of the 12th instant, with a copy of a representation which has been addressed to the Earl Bathurst by Lieutenant Biddulph of the Royal Navy, complaining of a decision given by me in my character of Landdrost of Albany. Lieut. Biddulph founds his complaint on the statement of a letter from his Brother, Mr. Biddulph junior, of Bathurst, Cape of Good Hope. On this letter I beg to make a few comments.

Mr. Biddulph says: "Some months ago when our cattle were brought up for the night, they were joined by eight stray oxen, and as it was late we thought it best to put them into the field with our own to prevent their trespassing upon our neighbour's garden; however the stray oxen in a short time broke out, and part of our Cows with them" &c. (See Mr. Biddulph's letter on page 209.)

The term Field is incorrect. Cattle when brought into the villages at night are put into a fold (termed *Crawl* in the Colony). This precaution must be taken to prevent their straying, as the owner is answerable for all damage they may do, besides paying the fees of Poundage.

It is rather singular Mr. Biddulph does not say that *I* was his neighbour and mine the garden adjoining his premises. Unless my memory very greatly fails me it was upon an occasion when they had done great damage in my garden that the Constable pounded the Cattle. Information was sent to me at Graham's Town that the Cattle had been there all night, and committed great waste, but not wishing to be harsh on Mr. Biddulph, upon his assuring me, that he would put his Crawl into such repair,

that it should not happen again, I made no demand whatever upon him for damages ; with regard to the Constable, I could have no right personally to interfere with his claim for poundage. Mr. Biddulph has omitted to mention these circumstances, as it would be difficult to reconcile my lenity towards him, as an individual, with his charge of malice against me as a Magistrate. If Mr. Biddulph chose to take charge of other people's cattle and bring them into *his* Crawl, he made himself answerable for them also. If the Pounder chose to content himself with *less* than his regular fees, it certainly was at his option to do so and by Mr. Biddulph's account he was willing to lower the amount to *seven shillings and sixpence*, but if Mr. Biddulph did not chuse to compromise with him, and the pounder brought his action before the Board of Landdrost and Heemraden for the whole amount, they were compelled to decide upon the case ; nor was it in their power, either to diminish or augment the sum ; the fees being regularly established. Mr. Biddulph refusing to pay the pounder the smaller sum, indicates a spirit of litigation and an unwillingness to submit to the regulations of the Colony. If he thought the Poundage fees too exorbitant in the district, it was easy for him to address the acting governor, who was always ready to attend to the representations of the Settlers.

The plaintiff gaining his cause, the defendant was condemned in costs in the usual manner.

Even admitting the correctness of Mr. Biddulph's statement, it is very clear he was guilty of gross contempt of court, when he told the board *publicly* that he *refused* to pay the damages awarded, and that they might act as they thought proper.

If Mr. Biddulph conceived the sentence was illegal, his course should have been, to have appealed to a superior tribunal, not *publicly* to *insult* the Court.

If Courts of Justice are to be openly defied, and publicly told that obedience will not be paid to their decrees, it is useless their sitting at all, unless they have the power of vindicating their authority ; and I should have thought myself wanting in my duty to the Government and the public, had I not taken the *legal* steps to repress such irregularities.

Mr. Biddulph had the *full time* to have appealed from the sentence before he was committed.

An appellant from a sentence of the board of Landdrost and Heemraden must note his appeal within *five* days from the day sentence is pronounced, and according to the complainant's own statement, he was not committed till *seven* days after condemnation.

It is impossible Mr. Biddulph could have been confined with a criminal condemned for *Murder*, no person having been condemned for that crime in the district of Albany while I had charge of it.

Mr. Biddulph does not assert that the district secretary prevented his friends having access to him in prison.

The letter quoted by Lieut. Biddulph from his sister states that : (See Letter).

The costs of such a trial, held within five hundred yards of the dwellings of the individuals concerned, could not amount to a large sum, what that amount was, is not stated, but how can it be asserted that to pay that sum, together with 26 rix dollars 2 skillings would oblige him to sell *almost the whole of his stock* and be the cause of reducing his whole family to penury and distress ? This evidently is an exaggeration.

That a person losing a law suit, and being imprisoned, should feel irritated against his judges, is not to be wondered at, but even from the Statement made by his own family it will appear no undue harshness was practised against Mr. Biddulph. He allows that the *demand* was made for the *damage* done by his Cattle, that the *Pounder* was willing to take *less than his legal fees*, that the *Pounder* brought his action in a regular manner *only* when Mr. Biddulph would not pay him the lesser sum, namely, *seven shillings and sixpence*. He admits that he told the Court that *he would not pay* the damages awarded the *Pounder*, and that they might act as they thought proper. That this can be considered otherwise than a Contempt of Court, will hardly be asserted, and he does not say that I sought for any *illegal* mode of Punishing it. The words he asserts I made use of are " This is a Contempt of Court, what is *the law* in this case ? "

In consequence of Mr. Biddulph's age conveyance was furnished him to bring him from Bathurst to Graham's Town, although the distance is not near forty miles as he asserts.

I trust that Earl Bathurst will feel satisfied that this complaint

is a groundless one and that there is no foundation for the charges of "Cruelty and Injustice" made against me, and that so far from being considered as having acted as a "partial and unjust judge" I confidently look up to his Lordship's approbation for the manner in which I executed the office of Landdrost in times of peculiar difficulty.

Many of the Settlers, from the failure of the crops, were much disappointed in their views of bettering their condition, and were in a very irritated state; many were desirous of having an abolition of the Dutch Laws. A Spirit of litigation prevailed to such a degree that it was necessary to hold Courts much more frequently in Albany than in the other Districts. I will take the liberty of calling his Lordship's attention to the following circumstances, which will prove that the settlers were satisfied with the manner that Justice was administered by the board of Landdrost and Heemraden while I presided at that board. Notwithstanding the great number of causes tried by it, there was no instance of appeal to the superior Courts against the sentences awarded. I was removed from my office the month following Mr. Biddulph's trial, when I experienced the most flattering attention from all ranks of people in Albany, who expressed in the strongest manner their regret at my leaving the district. Had I been guilty of "tyrannical perversion and Maladministration of the laws in the district of Albany," I certainly should not have experienced such marks of their regard, when no longer in office, and without the power either to serve or injure any one.

I beg to apologize for troubling you with so long a letter, but after having conscientiously executed the duties of a difficult office, it would be hard upon me to suffer in character, in addition to the pecuniary losses I have sustained. I have &c.

(Signed) JAMES JONES.

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[Original.]

Letter from Mr. WILLIAM PARKER to EARL BATHURST.

PASSAGE WEST, IRELAND, 22nd September 1823.

MY LORD,—In consequence of the communication Sir N. Colthurst has made to me, I have been in daily expectation to receive through the worthy Baronet, Sir Rufane Donkin's Report on my important allegations respecting the great public and private wrongs at the Cape, which I have so amply detailed in my petitions to the House of Commons and in my Pamphlet *the Jesuits unmasked*, all of which are before your Lordship.

Since my memorial to your Lordship of the 28th June 1823 all direct communication between me and Mr. W. Horton has ceased, as his answer to the Hon. C. Hutchinson of the 18th July 1823 was totally irrelevant to the subject of that Memorial, Sir Nicholas Colthurst having informed me, that he waited to receive Sir R. Donkin's report from Mr. Horton, but from which I can expect no good to result, knowing as I well do the absolute incompetency of that infirm and weak man for the reins of Government, and his having been moulded as a potter does clay by Colonel Bird for all the purposes of Jesuitism, for the promotion of which the Colonial Secretary at the Cape arranged every public measure.

You know, My Lord, that I frequently offered to go to the Cape at the expense of Government to substantiate all my charges before the Commissioners, more I could not do for want of means, and the general ruin in which misrule in Ireland has involved all Irish property.

Instructed as I have been from infancy in the value of the Protestant Religion, I feel my attachment the greater from what I have experienced at the Cape and what I daily witness in Ireland. Nor shall I, My Lord, relax one step in that glorious cause, in the maintenance of which, I have not as yet been honoured with the smallest signification of your Lordship's countenance.

I have sent by Mr. Ingram, who sailed on Saturday the 21st Inst. in the *Barossa*, a very important statement to Commissioner Bigge, of which, if it shall be your Lordship's pleasure I shall send a copy through that sound constitutional Nobleman

Lord Kenyon, who early foresaw the evils which Popery is daily inflicting in this distracted Country. And I will boldly say, had His Majesty's Ministers attended to my suggestions, that so much loyal blood, which has so copiously flowed in Ireland would have been saved. It may not be too late for the Cabinet to view the true state of this country in regard to Popery, nor for your Lordship as Colonial Secretary of State to turn your most serious attention to the designs of the Papists, connected, nay dovetailed in the Department under your Lordship's presidency.

A fatal ignorance of the genius and constitution of Popery has prevailed among His Majesty's Ministers, although so ably pourtrayed by the excellent and truly pious Bishop of St. David's. Had the learned Prelate's advice been taken, which he so eloquently gave last July in the House of Lords, Mr. Franks his wife and son would have lived amongst loyal inhabitants of Ireland and not have been sacrificed to Jesuitical Priestcraft, which directs the arm of the assassin and secures him from detection. I have &c.

(Signed) WM. PARKER.

[Original.]

*Letter from JOHN BARROW, ESQRE., to R. WILMOT
HORTON, ESQRE.*

ADMIRALTY OFFICE, 23rd September 1823.

SIR,—With reference to your letter of the 12th Instant transmitting by direction of Earl Bathurst copies of a despatch and of its enclosures which have been received from Lord Charles Somerset representing the necessity of taking measures for remedying the inconvenience which is felt by His Majesty's Ships and Vessels, and by the Merchant Shipping from the inability of boats to water at Simon's Town after half tide, and desiring to be informed whether this Department are willing to contribute towards the expence which will be occasioned by the works recommended to be carried into effect for remedying the inconvenience stated, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that having

called upon Sir Jahleel Brenton, the late Commissioner of the Navy at the Cape of Good Hope, for his opinion on the subject, they have received from him the accompanying reply, and I am to add that under the circumstances therein stated, they cannot sanction any expence on the part of the Naval Service towards the Works in question. I am &c.

(Signed) JOHN BARROW.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24th September 1823.

MY LORD,—I beg to transmit to your Lordship Lists of appointments conferred by me during this year and Increases I have made in the Salaries of the Civil Servants, containing items in the ordinary Expenditure of this Government requiring your Lordship's particular sanction, and I make no hesitation in saying that the reasons which are given for their expenditure will appear to Your Lordship fully satisfactory and admit your readily approving the whole of them.

I also beg to inform your Lordship that I permitted the late Deputy Landdrosts of Worcester and Caledon to draw their Salaries for Six months after the reduction of their Establishments, and I must therefore likewise request your approval thereof, and that you will do me the favor to communicate your decision hereon to the Auditors of Colonial Accounts.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24th September 1823.

MY LORD,—The difficulty of access which the embouchure of the River Kowie presents to Government vessels, which resort to that quarter with public Stores having rendered it

indispensable in some measure to obviate the inconvenience which the Service would sustain by a detention of the vessels for favorable tides to enable them to cross the Bar, I beg to inform your Lordship that I have been under the necessity of causing a Schooner to be built, adapted to the purpose of unloading with promptitude such Government vessels as may be bound to the Kowie with Cargo for the Albany District, the cost of which will amount to eight thousand four hundred and sixty-nine Rixdollars, and I must request your Lordship will assent to my incurring this necessary expense and to my making the usual allowance to the Crew, consisting of a Master, a Mate, and three Seamen.

Independent of this I have at the same time to solicit your Lordship's approval of my undertaking the erection of a Tread Mill in the Prison of this Town, the expence of which will not exceed ten thousand Rixdollars, and that your Lordship will be pleased to signify to the Auditors of Colonial Accounts your sanction thereof. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *September 25th 1823.*

MY LORD,—On the receipt of your Lordship's dispatch of the 20th of June last on the 22nd Instant, I transmitted it to Lieutenant Colonel Bird without comment, considering it better that I should refrain from all discussion on the subject until I had an opportunity of communicating with him personally on the following day.

In that verbal communication I found that he declined taking any other Oath than (what is called) the Canada Oath, and the ordinary Oath of Office. I informed him therefore that, as I differed entirely in my view of the case, I must address a letter to him stating the course of duty I felt myself bound to pursue, and must request from him a written Reply. I have the Honor herewith to transmit to your Lordship copies of the communi-

cations which have taken place between Lieut.-Colonel Bird and myself, together with a copy of the 3rd Clause of His Majesty's Instructions to me as Governor of this Settlement, and I beg to solicit your Lordship's further commands on this subject.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S.—Since writing the above I have received the Enclosure No. 5 from Lt. Colonel Bird, upon which I am compelled to observe that altho' Lt.-Colonel Bird is correct in stating that he suggested to me in the Interview I had with him on the 23rd the adoption of the course he subsequently pursued, he omits to add that I most positively objected to it as one by no means consonant with your Lordship's Instructions.

[Enclosure 1 in the above.]

NEWLANDS, 23rd September 1823.

SIR,—In transmitting to you Earl Bathurst's dispatch dated 20th June last, I beg you to inform me if you are prepared to take the Oaths prescribed by the 3rd Clause in His Majesty's instructions to me as Governor of this Settlement, being "the Oath mentioned in an Act passed in the first Year of the Reign of George 1st as altered and explained by an Act in the 6th of George 3rd, and also make and subscribe the Declaration mentioned in an Act made in the 25th of Charles 2nd."

Upon receiving your answer in the affirmative I will appoint a time when I will administer to you the above Oaths in presence of the Chief Justice. I remain &c.

(Signed) CHARLES H. SOMERSET.

To Lieut.-Colonel Bird,
Colonial Secretary.

[Enclosure 2 in the above.]

COLONIAL OFFICE, 24th September 1823.

MY LORD,—I had written the accompanying answer to your Lordship's note of Monday last enclosing me Lord Bathurst's dispatch No. 62 previous to my receipt of your Excellency's

letter of this day. The line I have adopted appears to me on full consideration to be the most regular I could follow, and being also advised that the Law does not call upon me for more and convinced that Earl Bathurst's dispatch does not allude to my taking the steps proposed to me by your Excellency I beg to adhere to the course I have already taken as will be fully explained in the accompanying communication. I have &c.

(Signed) C. BIRD,
Colonial Secretary and Registrar.

His Excellency the Governor.

[Enclosure 3 in the above.]

Extract of a letter from the Chief Justice Sir John Truter, dated 24th September 1823, to Lord Charles Somerset in explanation of his having administered two Oaths to the Colonial Secretary (Lieut.-Col. Bird) *purporting* to be the Oaths of Office.

Colonel Bird had the Oath of allegiance and of Office prepared in duplicate when I came to the office yesterday, and told me that he had been *ordered* to take them, requesting me to administer the same. I am extremely sorry I did not know your Lordship's intention at the time, but I did not feel at liberty to decline administering an Oath which the Colonial Secretary presented to me, without acquainting me with any further particulars than that he was *ordered* to do so and that it was agreeable to your Lordship's Instructions.

A true extract.

(Signed) C. H. SOMERSET.

[Enclosure 4 in the above.]

COLONIAL OFFICE, CAPE TOWN, 23rd Sept. 1823.

MY LORD,—I have the honor to acknowledge the receipt of your Excellency's Note enclosing a Dispatch from Earl Bathurst, dated 20th June 1823, in which His Lordship observes that it is alledged that I have not qualified myself for office by taking the Oaths which are required from persons appointed to Offices

of Trust upon the Establishment of the Civil Administration of the Cape of Good Hope.

In reply to which I beg to acquaint Your Excellency, for the information of Earl Bathurst, that upon examination of the Oath Book at the Colonial Secretary's Office, where the Civil Servants are sworn in, it will appear that I took and subscribed the Customary Oaths on my appointment to Office here ; but in compliance with Earl Bathurst's intimation I have to add that I have this day renewed before the Chief Justice and subscribed the Oaths prescribed by Your Excellency's Patent to be taken on these occasions and in these circumstances, the original of which, certified by Sir J. Truter, I have the honor to enclose, adding thereto for the purpose of saving time, the Extract from Your Excellency's Patent before alluded to.

I have &c.

(Signed) C. BIRD,

Colonial Secretary and Registrar, Cape of Good Hope.

His Excellency Lord C. H. Somerset.

The Oath prescribed in and by an Act of Parliament passed in the Fourteenth year of our Reign, intituled "An Act for making more effectual provision for the Province of Quebec," and also the usual Oath for the due execution of such Office, Place of Trust or Profit, in lieu of all other Acts or Oaths whatsoever.

I Christopher Bird do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George and him will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against his Person, Crown and Dignity ; and I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs and Successors all Treasons and traitorous conspiracies and attempts which shall be made against him or any of them, and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all Pardons and Dispensations from any Power or Person whomsoever to the contrary. So help me God !

(Signed) C. BIRD,

Colonial Secretary and Registrar.

I Christopher Bird do promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of the office, Place of Trust, or Profit conferred on me, So help me God !

(Signed) C. BIRD,
Colonial Secretary and Registrar.

Sworn before me at the Cape of Good Hope this 23rd day of September 1823.

(Signed) J. A. TRUTER, Chief Justice.

[Enclosure 5 in the above.]

Wednesday Evening, September 24th 1823.

SIR,—I received your letter of this day with its Enclosures this afternoon, and I must confess that it afforded me no small degree of surprize after stating to you yesterday very explicitly that I considered it contrary to my Duty to administer or cause to be administered to you any other Oaths than those referred to in the letter I addressed to you Yesterday Evening, that you should (without any Authority from me) have called upon the Chief Justice to administer to you the Canada Oath.

I must now repeat that I consider that Lord Bathurst's Dispatch of the 20th June last directs me to call upon you to take the Oaths above alluded to, as laid down in the 3rd Clause of His Majesty's Instructions to me. I conclude from the course you have pursued that you decline to comply with his Lordship's requisition. If I am in error in this conclusion you will be so good as to set me right. I have &c.

(Signed) CHARLES HENRY SOMERSET.

Lieut.-Colonel Bird,
Colonial Secretary.

[Enclosure 6 in the above.]

COLONIAL OFFICE, 25th Sept. 1823.

MY LORD,—I have taken the Oaths required by the Law to qualify for holding office in this Establishment before the Chief Justice, previous to my receipt of your Excellency's letter of

yesterday ; I had done so in consequence not only of feeling that I was correct in so doing but in consequence also of having communicated to your Excellency on Tuesday that such was the course I should pursue.

My letters to your Excellency of yesterday and the day before appear to me to contain so clear an exposition of this case and my compliance with Earl Bathurst's desire being so full, in my acceptance of it, I do not feel it requisite to add anything thereto. If I have failed in meeting his Lordship's wishes he will no doubt say so, upon the receipt of the correspondence which your Excellency has thought it your duty to go into.

I have &c.

(Signed) C. BIRD,
Colonial Secretary and Registrar.

His Excellency Lord C. H. Somerset.

[Original.]

*Letter from the COMMISSIONERS OF ENQUIRY to EARL
BATHURST.*

CAPE TOWN, CAPE OF GOOD HOPE, 25th September 1823.

MY LORD,— We have the honor to acknowledge the receipt of your Lordship's despatches of the 24th and 25th June, and of a letter addressed to us by Mr. Wilmot under date of the 16th April, and we beg leave to inform your Lordship that the subjects therein referred to having from the period of our arrival appeared to us to merit our earliest attention we have lost no time in obtaining such information, as might enable us on our visit to the Frontier districts to enter with advantage upon the inquiry.

From the information we have already obtained respecting the present state of those districts, we find that although the English Settlers have been made acquainted and are fully impressed with the consequences of employing slaves on their estates, yet no express prohibition and no actual penalty has been declared, by which the practice can either be

restrained or punished. It is generally asserted however, that the poverty of the British Settlers, and the present enhanced value of Slaves have operated against the employment of predial as well as personal slaves by them on their own locations, and altho' the number that are now employed in the whole district of Albany (amounting only by the return of 1822 to 355) would appear to be insufficient to constitute a material ground of disadvantage to those who are not permitted to employ them, yet the lands occupied by the English Settlers are so intermixed with those of the Dutch Colonists, and the expense of the English indentured servants has been so much augmented by the embarrassments of their employers, and the frequent infraction of their engagements, that the small surplus produce that they have been able to bring to market has already had to encounter the effects of an unfavorable competition. It has not yet been in our power to obtain precise information respecting the character, resources, and condition of these Dutch Colonists, whose property is so intermixed with that of the English Emigrants within the Frontier, or of such others as are understood to have received grants or permissive occupancies even in advance of it, but we think it our duty to state to your Lordship, that so far as regards the important question of arresting the progress and extension of Slavery on the Frontier contiguous to the independent African tribes, we conceive that the concession of large tracts of country in those quarters subject to no restriction as to the employment of slaves, must necessarily increase the difficulties with which the question has hitherto been embarrassed, and add to the temptation of renewing those sanguinary wars and expeditions, which commenced in a spirit of retaliation for injury, and have ended in the instance of the Bushmen tribes in the destruction of the men and the enslavement of their wives and children.

We forbear at present from entering more fully into this subject, as it is our intention in the course of our voyage from hence to Mauritius in the month of November to visit the district of Albany, and to pursue the investigation on the spot.

From the latest advices that have been received from that quarter, we regret to state that the expectations, that the English Settlers had reason to indulge, of a better harvest

this season have been in a great degree disappointed by the reiterated appearance of the "rust" in all those crops that did not consist of the Bengal wheat, which has hitherto appeared to be exempt from it.

The Settlers are also still suffering in an increased and alarming degree from the incursions of the Caffre tribes, which from recent communications with the Governor, and direct advices that we have received from the Frontier, appear immediately to have arisen from a somewhat relaxed application of the Military Force, and of the principles of military defence, that had on previous occasions been found efficacious. We think it right here to state to your Lordship that our determination to visit the Frontier on our way to Mauritius has proceeded from our wish to investigate effectually these primary subjects of inquiry, and, if possible, to ascertain the merits of the numerous complaints that have been laid before us by several classes of the British Emigrants. A copy of the memorial that your Lordship has done us the honor to transmit had already been submitted to us by some of those who were concerned in drawing it up. Of the Contents of this Memorial we do not feel ourselves at present competent to afford your Lordship satisfactory information, but we beg to assure you that in our inquiries respecting it we shall not fail implicitly to observe your Lordship's instructions, and to communicate unreservedly with His Excellency the Governor, who (we have much satisfaction in saying) has hitherto evinced every disposition to encourage a cordial intercourse.

Without entering into further particulars respecting the Settlers, we have to inform your Lordship that the mechanical and labouring classes are rapidly removing from the district of Albany, and resorting to the service of the Dutch Colonists, or following their several trades and callings in Cape Town, and from the present great demand for and high price of labour throughout the Colony, those who are industrious have met with great success. The individuals who seem at present to be more immediately the objects of consideration are the Heads of Parties, who have employed and exhausted their capital in ineffectual attempts to form Establishments, and who have suffered loss from the necessity of supporting their

indentured servants, without deriving any adequate compensation in their labour. In considering their claims it may not be improper to remark that the Colony has benefited largely, and is now deriving advantage from the expenses they have incurred, as well as from the introduction of a very useful body of mechanics and labourers, whose services were much in demand, and might not otherwise have been obtained ; while it is equally worthy of remark that the locations that these persons have quitted are now at the disposal of the Colonial Government for the purpose of fulfilling your Lordship's late instructions for enlarging the grants and adapting them to that system of management of which the Colony would appear to be most susceptible.

Notwithstanding the disappointments that have attended this first effort of British emigration to this Colony, we are inclined to believe that the demand for agricultural and mechanical labourers is by no means satisfied, and that encouragement for emigration to South Africa may still be advantageously held out to the same class of persons, to whom these advantages would be considerably increased were they to accompany intelligent agriculturists possessed of capital sufficient to enable them to make purchases of lands in the settled districts, which are at present to be procured on very reasonable terms. We have &c.

(Signed) JOHN THOMAS BIGGE,
 WILLIAM M. G. COLEBROOKE.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas it has appeared to me expedient to revise the Proclamations of the 24th April, and the 18th August, 1807, in consequence of the suppression of the Supreme Medical Committee, therein adverted to, (the duties of which have devolved on the Colonial Medical Inspector, for the time being,) and in consequence of certain alterations which the change of circumstances has rendered necessary, for the regulation of

the Medical Practice, in this Settlement, and of all matters connected therewith :—It is, therefore, hereby ordered, that the following Regulations shall be adopted and hold good in all Cases to which they have reference, in lieu of those contained in the aforesaid Proclamations of the 24th April, and 18th August, 1807.

1.—No Person shall be allowed to practise as Physician, Surgeon, Apothecary, Accoucheur, Chemist and Druggist, in this Settlement, without a Licence previously obtained from me, or from the Governor for the time being.

2.—Such Licence shall, in no Case, be granted, unless upon the production of a regular Diploma from an University or College, in Europe, or in Case of Surgeons, Apothecaries, &c., &c. of such Certificate as is usually required for these Arts; the same being subject to the examination of the Colonial Medical Inspector, for the time being;—and, in order to enforce a due compliance with this Regulation, I do hereby affix a Penalty of 1,000 Rixdollars for the first Offence, and a like Penalty of 1,000 Rixdollars for the second Offence; and, further, that the Person convicted of committing a second Offence against these Regulations, shall be incapacitated from again practising in this Colony.

3.—It having been a prevailing custom in this Colony for the Physician and Surgeon not only to prescribe, but to prepare the Medicines themselves, for their Patients, to the manifest injury of such Patients, who, in most cases, are thereby neglected, only receiving their Medicines at night;—such custom is, in future, to be discontinued;—and I do, hereby, most strictly forbid any Physician or Surgeon from keeping any Medicines whatever, for the use of his Patients, with the exception of such Medicines as are necessary to be kept at hand, by a Surgeon, for his Surgical Practice, according to a list which is to be furnished to every Surgeon, by the Colonial Medical Inspector, for the time being, and any Physician or Surgeon who shall be found to have infringed this Regulation, shall have his Licence withdrawn, and be prohibited from practising in future.

4.—No Apothecary is, on any pretence, to practise as a Physician, Surgeon, or Accoucheur, under pain of being deprived of his Licence;—but it is not the intention of this

Regulation to prevent any Apothecary affording Surgical or Medical Aid, in Cases of Accident, or sudden Illness, when more regular Assistance cannot be immediately procured.

5.—No Merchant, Trader, or Dealer, is to be allowed to vend, by *Retail*, any Drugs, Medicines, or Patent Medicines, in this Colony, under a Penalty of 500 Rixdollars; nor is he allowed to vend the same by Wholesale, without such Drugs, Medicines, or Patent Medicines, having been first submitted to the Inspection of the Colonial Medical Inspector, and a Certificate having been obtained from him of the Quality of such Drugs, Medicines, and Patent Medicines, under a like Penalty of 500 Rixdollars.

6.—The Colonial Medical Inspector for the time being, shall visit all the Apothecaries' Shops, at least once a Quarter, at uncertain periods, and examine carefully all Medicines and Drugs, *and condemn, and order to be destroyed, such as may appear to him improper, or unfit for use*;—and if the Colonial Medical Inspector have occasion to complain of bad Medicines being frequently found in the Shops of the same Individual, he will be deprived of his Licence, and likewise punished as the case may deserve.

7.—All Apothecaries and Venders of Medicines, shall be answerable that their Laudanum, Opium, Arsenic, and other powerful Medicines, commonly denominated Poisons, are kept in secure Places, and none sold in great or dangerous Quantities, without a written Permission, or Prescription from a regular Physician or Surgeon, under a Penalty of 500 Rixdollars.

8.—All disputes respecting the amount of Apothecaries' Bills, shall be referred to the Colonial Medical Inspector for the time being, who is hereby authorised to tax such as may appear to him to be exorbitant; and the opinion of the Colonial Medical Inspector, as to the amount of all disputed Bills or Accounts, for Medicines or Medical Attendance, shall be considered as final. No Bill or Account can be disputed, unless it be laid before the Colonial Medical Inspector, within three Calendar Months after being presented for Payment.

9.—The Country Practitioners are considered under precisely the same Regulations, with respect to their Licences, as those in Cape Town; and any Practitioner in the Country

Districts, acting contrary to the Provisions of this Proclamation, will be liable to the Penalties herein specified:—but inasmuch as in the present state of this Settlement, it is not possible to separate the different Branches of the Profession, in the Country Districts, the 3rd and 4th Articles are not to be considered as having reference to the Country Practitioners; but they are to be allowed Fees, only, at the Rate hereafter specified.

10.—The following is the Tariff of Fees allowed to the several Branches of the Medical Profession, viz. :—

A Visit in Town, not less than	1 Rdr.
Ditto, in the neighbourhood	2 Rds.
A Visit by Night	6 Rds.
Consultation, ditto, for the first,	6 Rds.
For every subsequent one,	3 Rds.
Ditto, in the Country, at the rate of per hour,	10 Rds.
For reducing Dislocations and Fractures	25 Rds.
For each succeeding Visit,	2 Rds.
Bleeding, and all the minor Operations,	2 Rds.

FEES OF THE COUNTRY PRACTITIONERS.

For each Visit in the Place of his Residence,	1 Rdr.
For half an hour's ride from the same	3 Rds.
For each hour's distance from the same,	5 Rds.
For a Visit out of the Village during the night, or to remain the Night :	6 Rds. extra.

Those who prepare Medicines to charge the same for their labour, as the Apothecaries in Cape Town:

SCHEDULE REGULATING THE PRICE OF THE LABOUR OF COMPOUNDING MEDICINES.

For a simple Decoction, not exceeding 6 ounces :	2 Sch.
Ditto, ditto, 16 ounces	3 Sch.
Ditto, ditto, 24 ounces :	4 Sch.
For a simple Infusion, not exceeding 16 ounces	2 Sch.
Ditto, ditto, 24 ounces	3 Sch.
For a Mixture, or a Draught	1 Sch.
For a compound ditto, Emulsion, or Electuary	2 Sch.
For a Dose of Pills	1 Sch.
For a drachm of ditto	2 Sch.
For half-an-ounce of ditto	4 Sch.
Above half-an-ounce, for each two drachms	1 Sch.
For a Powder	1 Sch.
For cutting and preparing Herbs, from 2 to 4 ounces	2 Sch.

11.—In order to prevent confusion and serious mistakes in the compounding of Medicines, it is directed, that the Pharmacopœia Londinensis, only, be used in this Colony.

And that no Person may plead Ignorance hereof, this shall be published and affixed in the usual manner.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 26th Day of September 1823.

(Signed) C. H. SOMERSET.

[Copy.]

*Extracts from a Letter from MAJOR ROGERS to
LIEUTENANT COLONEL SCOTT.*

NEWLANDS, September 26th 1823.

In my letter to you per last Post, I informed you that it was His Excellency's positive instruction, that the Orders issued by him for continually beating the Bush, should be strictly and rigidly adhered to, that the duty of penetrating the Bush was to be performed exclusively by the Infantry, supported by Patroles of the Cavalry, who could pursue such Kaffers as should escape from or be driven out of the Bush by the Infantry.

His Lordship directs me to call your particular attention to the Orders given for the performance of this Service and to repeat to you the peremptory necessity that he conceives exists for the most determined perseverance therein, whilst a Kaffer can be heard of or known to be in the forests.

His Excellency has had various reports of Kaffer incursions, and thefts, which he is fully persuaded would not be effected to the extent stated, were his orders for beating the Bush properly executed. His Lordship was with these much surprised to find that when the veldt Cornet Van der Nest applied to the Officer in command at Fort Beaufort for assistance it was denied him, the Officer stating that *it was contrary to his orders*.

This seems so much at variance with the general system authorized, for rendering every assistance against Kaffer

depredations and attack, that His Excellency desires you will enquire particularly into this circumstance and report the result.

I was on the point of concluding this letter when the Graaff Reinets Post came in, bringing details of the very serious aspect of our present situation with regard to the Kaffers in the vicinity of the Bavians River. His Excellency entertains no doubt of the hostile disposition of the Kaffers, and conceives that you think much too lightly on this subject, and treat the reports made to you with much too little caution and concern. His Lordship directs that you will take immediate steps to put the Frontier in a State of defence against every inroad of the Kaffers.

[Office Copy.]

Letter from EARL BATHURST to the COMMISSIONERS OF ENQUIRY.

DOWNING STREET, 30th September 1823.

GENTLEMEN,—I transmit to you herewith the Copy of a despatch addressed to me by Lord Charles Somerset enclosing a memorial from Mr. Ryneveld, and recommending that an addition of fifteen hundred Rix dollars per annum may in future be made to the Salary at present attached to the Office of Landdrost of Stellenbosch on account of the Expence to which that Office is exposed in a degree that does not affect appointments of a similar description in other parts of the colony; and I have to desire you would take the same into consideration; and that in comparing the present Salary of the above Office with the duties attached to it, you would bear in mind the favorable report which Lord Charles Somerset has made of the efficient services which Mr. Ryneveld has rendered during the time the functions thereof have been confided to his care.

I am &c.

(Signed) BATHURST.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to LORD
CHARLES SOMERSET.*

DOWNING STREET, 30th September 1823.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch of the 17th of June last in which you express a desire of being informed whether the Lords Commissioners of the Admiralty would be inclined to contribute towards the expence which will be occasioned by the Works which Your Lordship proposes to carry into effect with the view of remedying the inconvenience which is felt by His Majesty's Ships and Vessels and by the Merchant Shipping from the inability of Boats to Water at Simon's Town, and having communicated with the Lords Commissioners of the Admiralty upon the Subject, I have to acquaint Your Lordship that their Lordships are unwilling to sanction any expence on the part of the Naval Service towards the Works in question.

The accompanying communications from the Secretary to the Admiralty and from the late Naval Commissioner at Simon's Town will more particularly inform Your Lordship of the views which the Admiralty entertain upon this question.

I have &c.

(Signed) R. WILMOT HORTON.

[Office Copy.]

*Letter from R. WILMOT HORTON, ESQRE., to LORD CHARLES
SOMERSET.*

COLONIAL OFFICE, DOWNING STREET, 30th September 1823.

MY LORD,—Will you allow me to suggest with reference to the mutual convenience of both parties, that in addition to the regular Duplicates of your despatches officially transmitted to this office, you should send me (as Under Secretary) a short summary of the separate points contained in any series of them, referring to the numbers and dates of each despatch, this

summary not to go into details but merely sufficient to revive the recollection of any person who has carefully read the despatches.

There is also another request which I have to make, which is that you will be so good as to keep your private and public correspondence with me (and equally so with Lord Bathurst) entirely *distinct*, and the practical test of this distinctness will be simply to consider whether there is *any objection* as affecting the public interest that the subject discussed, or proposed, should appear in the Archives of the Department. If *no objection* should exist, it is infinitely more convenient for the dispatch of public business that the matter should be expressed in a public letter, and kept with the other records of the Department, and that for this purpose the letter should begin "Sir," and not be marked "private." I find upon the experience of a year and a half, that in my private correspondence, three fourths of the letters are of a public nature, and might much more conveniently have been entered in the public correspondence, the remaining fourth being strictly private, and proper to be kept with my private and (in an official sense) unproducible correspondence. I beg you to consider these observations as perfectly general, and have no doubt that you will agree with me upon the advantage of making this distinction, which will equally apply to my answers; but if the correspondence addressed to me is marked "Private" I have no alternative but to return a "private answer," which unnecessarily multiplies my private correspondence, without producing any public convenience or advantage. I have &c.

(Signed) R. WILMOT HORTON.

[Copy.]

Memorandum by MR. D. P. FRANCIS.

CAPE TOWN, 30th September 1823.

I arrived at Simon's Bay on the 30th April 1820, proceeded to Cape Town on the 4th May to wait upon the Governor Sir Rufane Shawe Donkin, who on our arrival we found was gone

up into the Zuurveldt, and Colonel Bird, the Colonial Secretary, informed Mr. Parker and myself that we were to proceed with the Ship to Saldanha Bay and from thence to Clan William, which is about one hundred and thirty miles from that place, thus on the very outset I began with disappointment, as Mr. Parker always gave me to understand in England and on our passage out, that it was arranged for our being located on the River Knysna, which is one of the finest parts of the Colony, but Col. Bird said that could not be the case, as Government had long given away all the disposable land at that place ; not being quite satisfied with this alteration, I, as well as Mr. Parker, expressed a wish to see Clan William before we took our people up there ; however, this, Colonel Bird thought quite unnecessary and assured us it was one of the best places in the Colony and that it was only incurring a useless expence. But by the advice of some friends we determined upon going, and in a few days we left Cape Town. On our journey all the Farmers we met with, who were acquainted with Clan William, declared themselves utterly astonished when we told them the number of Individuals who were intended to be sent there, and made no hesitation in declaring that we would all be starved if obliged to remain there.

Van Arden also told us that Mr. Buissinne had been at his place a day or two before on his way from Clan William to Cape Town, and that he had mentioned to him that he considered Clan William unfit for the English Settlers, and that they must not be sent there. Mr. Buissinne turned off the Road here, to go by Mr. Melk's to the Cape, which occasioned our missing him.

After a tedious journey of near five days we arrived at the Deputy Drostdy House at Clan William. Mr. Bergh, the Deputy Landdrost, informed us that Mr. Tulleken the District Surveyor was there inspecting and measuring the Land for our intended Location, and that Mr. Buissinne had been there two or three days before for the purpose of ascertaining whether it was a proper place for us, and they all agreed it was not, and that the report to Government must be to that effect, as it was not calculated for more than a few families (perhaps six or seven), but upwards of seventy families were sent to this wretched place. We found the Lands intended for us of the

very worst description except in small spots, altogether perhaps about one hundred acres which might be cultivated as arable Land, all the other consisting of about Twelve or Thirteen hundred Acres, (which I rode over with the Government Surveyor) was one mass of Sand and rocks covered with a Short Bush and not one blade of grass to be seen ; this was the place which Colonel Bird informed us was one of the best places in the Colony, and where about Three Hundred and fifty Souls were sent to. On our return to Mr. Bergh's, the Landdrost, and consulting with him, Mr. Parker was determined to make a Report to the Government that it was impossible so many people could be located there, and so confident was I of the impossibility of the people subsisting on such a place, that I decided on abandoning it, and told the Landdrost so at the time, that I had rather return to England at once than attempt to settle where it was out of the nature of things so many could exist.

On our returning to Saldanha Bay, where we met the Ships, Mr. Parker and myself slept one night at Mr. Melk's, where Mr. Buissinne had been a few days previous, and expressed the same opinion (as Mr. Melk informed us) that Clan William was unfit for the Settlers. On our arrival at Saldanha Bay we found the people very anxious to land, and Mr. Stoll, the Landdrost of the Cape District, waiting our arrival to see the people sent off ; on Mr. Parker and myself stating what we had heard and seen, some wished to proceed to Clanwilliam, as they could not conceive it was so bad as represented, and I believe thought we were stating what was not true ; others objected to advance. After the delay of about a week in messengers and letters passing between Mr. Parker at Saldanha Bay and Colonel Bird in Cape Town, it was said that although there might not be sufficient Land at Clanwilliam, there was plenty in the Neighbourhood, and positive orders were sent to land the People and proceed, or to return forthwith to Simon's Bay. It then became necessary to decide, and as the greater number were anxious for Clanwilliam, I advised Mr. Parker to let them go, as we could not tell but Government had Lands near the place which would be appropriated to us, although the Distance of Land Carriage (if the Land was so good) would always prevent there being anything but a precarious existence for the Settlers

by the System laid down for locating them. I sent off the Men belonging to me, as I wished to Comply with the Orders of Government, and if there was anything wrong, the blame would attach to them and not to myself, but at the same time I returned to the Cape (with Mrs. Francis, who was too ill to travel by Land at that time) so as to wait the result of what I conceived as vile a proceeding, not to say unfeeling injustice, towards British Emigrants as ever was practised or heard of, in appointing and sending them to a Situation where, if obliged to stay, and trust to its productions, they must perish.

This I am sure could never be intended by the British Government, nor could the English Nation ever believe that their Countrymen and kindred would have been thus treated. The result of this Location will be shewn hereafter, which will justify my first Opinion on the Subject. On my return to Simon's Bay I resided there, and at Cape Town, until the first of September, being in the Colony four months, living at a great expence, and no prospect of a location; during this time I made several attempts to settle in the Cape District, and separated from Mr. Parker's Party for that purpose. The expense of removing my baggage from Simon's Town, the keeping my Servants, together with the enormous charges at Simon's Bay and Cape Town for myself and Mrs. Francis, were such as would not be believed but by those who have been at these expensive places for strangers.

Mr. Buisinne on his return to Cape Town expressed the same opinion as before, that Clanwilliam was unfit for the Settlers, and that his report would have been to that effect, but that he was desired to make a favourable report, though he has declared to several persons (Captn. Campbell, Mr. Griffiths, and others), that it ought to have been otherwise. This can be proved by the most respectable evidence if required, and corroborated by Mr. *Markward* (I am not certain if I am right in this name) the Missionary at Clanwilliam. There is but one family (a Mr. Shaw who brought out two servants only) left at the Location, and he has been obliged to purchase the small allotments of the other Settlers, who have left the place. This has been done with the assistance of Government, in One Instance, he (Mr. Shaw) has purchased the allotment of one man, a labourer, whose ground so interfered with Mr. Shaw's,

that 1500 Rds. was paid for it. Government advanced Mr. Shaw the money to purchase it, and the Man, whose name is Greenwell, who was allowed to sell his land in this manner, was a pauper sent out by his parish, who paid his deposit.

The Commissioners must be aware that no opportunity has been afforded the heads of parties (who have so materially suffered) to allow them to raise money on any of their grants, however much they may have been distressed for a few hundred Dollars, while on the other hand the Man I have mentioned was assisted in this way. I shall forbear to comment on the subject of the Clanwilliam affair any further, but leave it to its own merits.

I herewith enclose a copy of the Circular for removing the Settlers from Clanwilliam to the Zuurveldt.

(Signed) D. P. FRANCIS.

N.B.—This does not include any part of Captain Synnot's, Mr. Ingram's, or Captain Butler's Parties, who were also sent there.

The particulars of the Zonderend River Location I will also make an Extract of shortly.

[Copy.]

*Letter from the COMMISSIONERS OF ENQUIRY to
LIEUTENANT COLONEL BIRD.*

CAPE TOWN, 1st October 1823.

The Commissioners of Inquiry present their compliments to Mr. Bird, and having understood from him during the last conference they had the honor of holding with him, upon the state of the Emigrant settlers in the District of Albany, that the terms of the oath prescribed for those individuals who are enrolled in the Albany levy, were similar to those that were adopted in the enrolment of the volunteer Forces in Great Britain during the late War, they request Mr. Bird will do them the favor of referring them to the Acts of Parliament from which such form of Oath has been copied, as the Commissioners not being able to discover any other form than those

which they have the honor to enclose, and which appear to bear upon the subject, are induced to infer, that there has been some misconception on their part.

Extract from the Act 43, Geo. 3, Cap. 96 :—Sect. 58. And be it further enacted that every person so called out as aforesaid shall upon repairing to the place of Assembly take the following oath, and which shall and may be then and there administered to him by any Deputy Lieutenant or Justice of the Peace, that is to say :

I, A B, do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Third, and that I will faithfully serve His Majesty in Great Britain for the defence of the same, against all his enemies and opposers whatsoever. So help me God !

Extract from the Act 43, Geo. 3, Cap. 120 :—Sec. 10. Volunteers and persons trained under recited Act shall take the oath of allegiance.

Extract from the Act 44, Geo. 3, Cap. 54 :—Sec. 20. And be it further enacted that every person enrolled in the Corps of Yeomanry or Volunteers before the passing of this Act, who shall not have taken the oath of Allegiance required by an Act of the last Session of Parliament, and every person who shall be enrolled in any such Corps after the passing of this Act, shall take the Oath of Allegiance to His Majesty ; and such oath may and shall be administered to all such persons as shall have been enrolled in any such Corps of Yeomanry or Volunteers before the passing of this Act and who shall have not taken the same ; as soon as may be after the passing thereof, and to all such persons as shall be enrolled in any such Corps after the passing of this Act as soon as may be after their enrolment in such Corps, by any Deputy Lieutenant or Justice of the Peace, or by any Commissioned Officer of such Corps.

A true Copy.

(Signed) JOHN GREGORY.

[Copy.]

Note by the Colonial Secretary.

Mr. Bird presents his Compliments to the Commissioners of Inquiry, and in reply to their note of this morning begs to say that the Oath of the Proclamation of the 4th October 1822 is in the first part of it precisely similar to that of the 43rd Geo. 3rd, Ch. 96, as quoted by the Commissioners ; the second part differs inasmuch as it makes the Oath applicable to the defence of the Albany Frontier. The last Clause of the Proclamation, which is what Mr. Bird is understood to have created a sensation among some of the Settlers, was taken from the last Paragraph of the 54th Section of the same Act.

COLONIAL OFFICE, 1st October 1823.

[Copy.]

Letter from the Colonial Secretary to the Commissioners of Inquiry.

COLONIAL OFFICE, 1st October 1823.

GENTLEMEN,—With reference to the Note I had the honor to address to you this Morning on the subject of the Oath directed to be taken by the Persons composing the Albany Levy, I now beg to enclose a Copy of a Letter to the Magistrate of the Albany District written in consequence of a remonstrance which had been made to His Excellency by some of the Individuals who had been called upon to serve in that Levy ; from which you will perceive that a similar explanation to the one I had the honor to give you on this subject was directed by the Governor to be made to the Settlers who had appealed to His Excellency on the subject of that measure. I have &c.

(Signed) C. BIRD.

[Copy.]

Return of the Scotch Party of Settlers located at Baviaans River in the Sub Drostdy of Cradock and District of Graaff Reinet.

Heads of Families.	Numbers of each Family including Servants originally located 1 July 1820.	Number of Men now on the Location.	Number of Women.	Number of Children.	Total Number now on the Location.	Number of Houses or Dwellings erected by each Family.		
						Raw Brick or Clay.	Washed and Plastered.	Reed Cabins.
Robert Pringle . . .	10	3	2	4	9	1	1	6
William Pringle . . .								
John Pringle . . .								
G. J. B. Sydserrf . . .	3	1	1	1	3	—	—	4
George Rennie . . .	6	3	1	1	5	1	—	2
Peter Rennie . . .								
John Rennie . . .								
Ezra Ridgard . . .	4	1	1	3	5	—	1	1
	23	8	5	9	22	2	2	13

Quantity of Land in English Acres under cultivation: Garden Ground, Orchard, and Vineyard, $6\frac{1}{2}$; Wheat, $46\frac{1}{2}$, Barley and Maize, 9.

Return of Produce from Crop of 1822: 130 muids Wheat, 55 muids Barley, 26 muids Maize, $57\frac{1}{2}$ muids Potatoes.

Live Stock in possession of the party: 22 Horses, 170 Head of Horned Cattle, 831 Sheep and Goats.

General Remarks on the Party by the Magistrates of their District.

CRADOCK, 26th May 1823.

Of their industry and perseverance report speaks highly, and for my own part I am happy to bear testimony to their general line of good conduct, at once creditable to themselves, honorable to their country, and truly gratifying to the Magistrates in whose district they are located.

(Signed) W. W. HARDING, Deputy Landdrost.

GRAAFF REINET, 19th September 1823.

I visited this Party on the 15th Instant. The present season has been favourable, and the Location bears proof of great industry.

(Signed) A. STOCKENSTROM, Landdrost of Graaff Reinet.

NOTE.—This Return has been drawn up by the undersigned originally the nominal head of the Party from the details of a Survey made conjunctly by the heads of Families and transmitted to him from the Baviaans' River. It may be proper to add that John Pringle, one of the heads of families entered above, is at present personally absent from the party on Government service ; but as he continues to occupy and cultivate his allotment by proxy, and keeps servants and cattle on it, it was not supposed necessary to omit his name from the List, although he is not reckoned in the numbers stated as remaining on the Location.

CAPE TOWN, 1st October 1823.

(Signed) THOMAS PRINGLE.

P.S. It is stated by the heads of Families now on the location that very little more ground can be cultivated on it, as nothing can be raised there without irrigation, and the water it affords is scarcely sufficient for the Land already under cultivation.

T. P.

[Copy.]

Prospectus of the South African Magazine.

It is proposed to establish in Cape Town a periodical Publication to be entitled "*The South African Magazine.*"

This Work, besides regular attention to the usual objects of periodical Miscellanies, will be more peculiarly devoted to the moral and intellectual improvement of South Africa, and to the providing of useful information and enlightened entertainment to its provincial inhabitants, whether English or Dutch. With this view all matters relating to the progress of education and manners, of Agriculture and the Arts, in this Colony, will be treated with particular regard. A careful and candid

Review of the Publications of European Travellers who have visited South Africa, from the earliest period to the present times, will be given in the course of the Work, and their observations compared with each other and with existing facts. Finally by providing a proper vehicle for the regular circulation of information on useful and practical subjects, and by interesting Summaries of Religious, Literary, and Statistical Intelligence, the Editors hope to meet the public support and approbation; and while it will be their humble endeavour, zealously to second the benevolent arrangements of Government in exciting the Colonial Youth in the Career of improvement, it will be equally their anxious care to guard against any abuse of this design, by strictly excluding all topics of Political or Personal Controversy. The Work will be published Monthly or Quarterly, according as the general wish and other circumstances may hereafter decide, and it will be published in English and in Dutch separately, with a view to accommodate readers in both languages.

CAPE TOWN, *October 3rd* 1823.

[Copy.]

Letter from R. WILMOT HORTON, ESQRE., to MR. WILLIAM PARKER.

COLONIAL OFFICE, LONDON, *October 7, 1823.*

SIR,—As a considerable space of time has elapsed since you were made acquainted, by my letter of June last, that if you brought forward charges with reference to your case, framed in a distinct and precise form, and supported by documentary evidence on oath, such charges would be transmitted, under Lord Bathurst's authority, to the Cape, for investigation by the Commissioners of Inquiry, if it should appear that there are not sufficient documents already in this country to guide Earl Bathurst's decision, I have received his Lordship's directions to desire you would explicitly state, whether it is your intention to send in charges preferred as above described.

I am &c.

(Signed) R. WILMOT HORTON.

[Copy.]

Extracts from a Letter from **LIEUTENANT COLONEL SCOTT** *to*
MAJOR ROGERS, Military Secretary.

GRAHAM'S TOWN, 7th October 1823.

I have the honor to acknowledge the receipt of your Letter of the 26th Ultimo.

The difficulties of this Command have been much encreased lately by the Settlers in the South enticing the Caffres into the Colony in their Barter for Cattle, and the Dutch Farmers in the North instigating the Caffres to acts of retaliation in their unauthorised attempts to take Caffre Cattle.

The 8th Article of the Instructions to Lieutenant Colonel Brereton, a copy of which I took by His Excellency's command for my guidance in this command, positively forbids on any pretence any Colonists' or other Herds to pass the Boundary into Caffraria. Independent of the long existing inveterate animosity between the Dutch Colonists and the Caffres, I have never known Caffre Cattle to be taken even by the Military or an authorised Commando (and there have been three instances) that the Caffres have not taken again at least *five* for one. In the late attempt of Van der Nest, the revenge of the Caffres having been directed to a part of the Colony where there are no troops, the depredations were committed with less fear of being interrupted, and a greater degree of alarm excited for their families, from the Colonists being obliged to leave Home to join Parties in pursuit of the depredators.

[Original.]

Letter from **LORD CHARLES SOMERSET** *to* **EARL BATHURST.**

CAPE OF GOOD HOPE, 8th October 1823.

MY LORD,—The Secretaries of the several Country districts being allowed a House for their Personal Residence under the 15th Article of the Regulations framed by the Batavian Government, I beg to acquaint Your Lordship that I have been for some time past necessitated to make an allowance for

House Rent to the Secretary of Albany, as no appropriate Building was attached to the Drostdy, which could be converted into a Dwelling. Finding the measure however less economical than effecting the purchase of a House, which would permanently remain in the possession of the Colonial Government, and an advantageous offer having been made of a House and premises in Graham's Town, adequate in all respects for affording the accommodation required, I purchased the Same for the Sum of Ten thousand Rixdollars under the impression which I have above stated, and which I feel persuaded Your Lordship will fully appreciate and therefore readily signify to the Auditors of Colonial Accounts your approval of this Item of Expenditure. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to LORD CHARLES SOMERSET.

LONDON, 9th October 1823.

MY LORD,—I am directed by Earl Bathurst to transmit for Your Lordship's information the Copy of a letter which he has caused to be sent to Lieutenant Rubridge in answer to a complaint which that Officer has addressed to this Office relative to certain Lands granted to him in the district of Albany.

Your Lordship will observe that Lieutenant Rubridge has been directed to submit his case through your Lordship if he thinks proper to make any further reference to Lord Bathurst upon the subject, and in the event of his papers being sent to Your Lordship for the purpose of being again referred to this Country, Lord Bathurst wishes that a statement may at the same time be transmitted explaining the view Your Lordship takes of the case. I have &c.

(Signed) R. WILMOT HORTON.

[Copy.]

Letter from the COMMISSIONERS OF INQUIRY *to* LORD CHARLES SOMERSET:

OFFICE OF THE COMMISSIONERS OF INQUIRY,
CAPE TOWN, 9th October 1823.

MY LORD,—In a late Dispatch that we have received from Earl Bathurst, conveying to us more Specific Instructions for an inquiry into the relative advantages enjoyed by those persons in the Albany and Uitenhage Districts, who are subject to no forfeiture of their Lands or other restrictions in the Cultivation of them by Slave labour, over those who having lately Emigrated from England are liable to the forfeiture of their Lands in case of any Employment of Slaves upon them, there is enclosed a Copy of a Despatch from Earl Bathurst to the Acting Governor Sir Rufane Donkin dated 20th May 1820 signifying His Majesty's pleasure that in any further Grants that he might thereafter make in the District of Uitenhage or to the Northward of it, it should be made a Special Condition of each Grant, that the Lands should be cultivated by free Labour alone and that any employment of Slaves upon them should subject the Lands to forfeiture.

We have also received enclosed in the same Dispatch a Copy of one addressed to Your Lordship under date 30th September 1822 in which Lord Bathurst was pleased to request from Your Lordship a report upon the uniform insertion of this important Condition in the form of Tenure of all Lands located to the New Settlers, and whether in Your Lordship's opinion the restriction had then operated against the Employment of domestic as well as Predial Slaves in the Frontier Districts.

As we naturally feel anxious of benefiting by the result of Your Lordship's judgement and experience on this important subject, previous to directing our Attention to it, in the Course of the Visit that it is our intention shortly to pay to the Districts on the Frontier, we shall consider ourselves much indebted to Your Lordship if you will be pleased to give directions that we may be furnished with a Copy of the Dispatch and Report that Your Lordship may have transmitted to Earl Bathurst in con-

sequence of the request signified in His Lordship's Dispatch of the 30th September 1822. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Original.]

Letter from MAJOR JAMES JONES to R. WILMOT HORTON, ESQRE.

VERSAILLES, October 10th 1823.

SIR,—In reply to your letter of the 1st Inst. I beg leave to state, that the delay of seven days before putting the sentence against Mr. Biddulph into execution, was for the very purpose of allowing him to retract from the line of conduct he had adopted, as, in strictness, his was not an appealable case; during which time no apology was offered, no declaration made of his readiness to accede to, or of his intention to appeal from the sentences of the Court. Whether in the confusion of clearing the Court, Mr. Biddulph might or might not have made some observations, which he chuses to call an apology, at this distance of time I cannot pretend to assert. I have no documents by me to assist my recollection of this, or of any of the numerous trials that came before the Court of Landdrost and Heemraden.

The Court had no wish to press hard upon Mr. Biddulph and therefore if he had offered what they esteemed a sufficient apology, there is no doubt that it would have been accepted. But so far from Mr. Biddulph's shewing at any time a disposition to yield to the decision of the Court there was a manifest tone of defiance in his manner; and after sentence was passed, I was told that a Magistrate privately urged him, without effect, to make some concession; and, that he publicly declared that the Court would not dare to imprison him. In the whole of Mr. Biddulph's conduct from the first to the last he displayed a spirit of litigation and opposition to the regulations of the Colony, he refuses first to pay the Pounder's legal fees, then to pay the mitigated fees (seven shillings and sixpence). He allows the action to be brought before the Court, he tells the Court itself that he *refuses* to pay and that they

may act as they think proper. In the seven days allowed him to reflect and cool, he makes neither apology nor appeal, but says the Court dares not put its sentence into execution.

I have &c.

(Signed) JAMES JONES.

[Original.]

Letter from the COMMISSIONERS OF INQUIRY to ROBERT WILMOT HORTON, ESQRE.

CAPE TOWN, CAPE OF GOOD HOPE, 11th October 1823.

SIR,—We have the honor to apprise you, that among the items of expenditure incurred on account of our Commission to this Colony, we have in pursuance of the memorandum, that was shewn to us at the Treasury previous to our departure from England, thought ourselves justified in authorizing our Secretary to charge in his accounts with the Lords Commissioners of His Majesty's Treasury the expense of the conveyance of one part of our baggage from Simon's Town to this place by land, and that of the freight to and debarkation of the other part at Cape Town, in consequence of Commodore Nourse the Commander of His Majesty's Ships on this Station having expressed his inability to afford us any other means of conveyance for baggage than a small Tender of not more than 25 tons, which he would not recommend either for safety or expedition.

Independent of the delay that we thus experienced, until an opportunity occurred of sending a portion of our baggage in a merchant vessel from Simon's Bay to Table Bay, we had to encounter the risk of considerable damage in transporting the other portion by land. We have therefore thought it right to state thus much to you not as a matter of complaint against Commodore Nourse, but in case of any difficulty arising at home upon the subject, as a justification of a charge, that we distinctly understood the Treasury was to bear, and which we hope that you will be convinced was quite unavoidable on our parts. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

*Letter from the Inspector of Lands and Woods to the
Commissioners of Inquiry.*

INSPECTOR OF LANDS AND WOODS OFFICE, 13th October 1823.

GENTLEMEN,—As it is understood that ere long you intend to visit the Albany District, permit me to draw your attention to the as yet unappropriated lands in the neighbourhood of the locations, a considerable portion of which is asked for by individuals of this Colony, in portions not less than 6000 acres each, and there is a list of 37 such applications now in my office.

It strikes me that when by the regulations under which the Settlers left England their occupancy of land was limited to 100 acres per head, it must have been so determined under more favourable impressions as to the nature of the soil than what the reality bears out, and without reference to the extent of the grants usually made to the Colonists. It is possible that from the number of Settlers who have separated from their parties there are instances where those who still remain on the locations may have a sufficiency of land for their *immediate* purposes, but it is probable also that there are many not so situated, and at all events the granting of such large tracts as are now asked for to single applicants almost contiguous to the locations on which at the best the Settlers are much confined and beyond any comparison so with the present applications, must excite feelings extremely unpleasant to them, but were the grant so made it would prevent the possibility of ever extending those locations, or of otherwise improving them.

It appears to me desirable therefore that no final appropriation of the lands in those parts, at all interfering with the Settlers' immediate or future prospects, should take place without a previous revision of the distributions of the land already made to them under the said Regulations, whereby such of the locations as stand in need of it and are susceptible of improvement, may be improved, and besides that a reasonable reservation of land should be made according to the general situation of the locations to be used as commonage between them. A reference to the general plan of the loca-

tions accurately drawn by the Land Surveyor Mr. Knobel will explain this suggestion more clearly.

The usual lists of applicants preparatory to an order to proceed with the Inspections &c. of the lands asked for (the form of which Gentlemen is in your hands) is now in my office for examination. I find however that the Landdrost Mr. Rivers presses for an authority to proceed with the grants, and as on transmitting the lists he has taken no notice of the relative situation of those lands to the locations, when I send in the lists to be laid before His Excellency the Governor, I shall call His Excellency's attention to it, still the circumstance of your going down makes it desirable also to submit it to you.

I have &c.

(Signed) CHAS. D'ESCURY,
Inspector of Govt. Lands and Woods.

Letter from the Fiscal to the Commissioners of Enquiry.

FISCAL'S OFFICE, 15th October 1823.

GENTLEMEN,—I have the honor in dutiful compliance with your request conveyed to me in your letter of yesterday's date, herewith to transmit a Copy of my letter of the 24th May 1822 to Mr. Carlisle, from which it will appear to you that the same was not written in answer to any letter or communication from Mr. Carlisle, no such communication having ever been made to me, but that I was induced to write the same in consequence of a communication made me by His Excellency the Governor thro' the medium of the Colonial Secretary. The Letter bearing Mr. Carlisle's signature which has been therein alluded to, is not in my possession; I suppose the same to have been a private communication, and to have been returned to its owner, which however I cannot rightly recollect. In order to put you in the full possession of the official correspondence held on the occasion, I have obtained from the Colonial Secretary Copy of a letter from the Landdrost of Albany written on the subject to the Colonial Secretary and bearing date the 24th May 1822, and a similar Copy of the

cautionary notice therewith mentioned, which I have the honor to enclose. I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Copy.]

Letter from the Inspector of Lands and Woods to the Commissioners of Inquiry.

INSPECTOR OF LANDS AND WOODS OFFICE, 15th October 1823.

GENTLEMEN,—I have the honor to acknowledge the Communication Mr. Gregory has made to me by your direction in his Letter of yesterday's date, and I am happy to find that the subjects I have had the honor of bringing under your consideration have deserved your attention.

With reference to my Letter of the 13th Instant respecting the Locations occupied by the Settlers in the Albany District, a circumstance has just occurred which from the extraordinary dispatch with which His Excellency the Governor desires a measure he has directed to be carried into execution, and which may affect very materially the Welfare of the Settlers, I beg leave to submit to you.

The Colonial Secretary in an Official Communication I have just had with him mentions that with the least possible delay certain Accounts were to be transmitted to the Landdrost of Albany, on which is to be required from the heads of parties a written acknowledgment of their being correct, and this being obtained the heads of parties are to receive the Grants of the Lands they occupy for their parties. When on enquiring how this is to be carried into effect, I find that it is to be left to the *Discretion* of the Landdrost to make the full Grant according to the Original Numbers or not, to be regulated by the degree of Industry displayed by them, of which the Landdrost is thus also to be the Judge.

This is placing the Settlers so completely at the Mercy of the Landdrost that from the precipitancy with which the measure is urged I think it right, Gentlemen, to lose no time in communicating it to you. I have &c.

(Signed) CHAS. D'ESCURY.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 16th October 1823.

MY LORD,—I have on former occasions explained to your Lordship that I am frequently prevented from referring to your Lordship previously to incurring an expence in the repair of Public Buildings, in consequence of the rapidity with which deterioration would proceed were a protracted delay to occur in effecting reparations even originally trivial. I now do myself the honor to acquaint your Lordship that the reasons I urged on those occasions have necessitated my causing the Wharf-master's and Searcher's offices situate near the Wharf in Cape Town, as well as the Stables of the Custom House which had fallen much in decay to be repaired (by Public Tender) for the Sum of Seven thousand nine Hundred and Eighty Rixdollars, without awaiting your previous sanction thereto, and as I trust that your Lordship will feel that I have had no choice on these occasions, consistent with the interests of the Public Service, I hope I may anticipate your Lordship's concurrence in the present measure, and that you will be pleased to communicate your approval thereof to the Auditors of Colonial Accounts.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Letter from the COLONIAL SECRETARY to MAJOR GEORGE PIGOT.

COLONIAL OFFICE, 16th October 1823.

SIR,—In reply to your letter of September last praying remuneration for the losses which you suffered by the removal of the Seat of Magistracy from Bathurst, I am directed by His Excellency the Governor to acquaint you that the Landdrost of Albany has been authorized to advance to you an Amount upon Mortgage of the Premises you built at Bathurst, not exceeding half their certified value, provided you give adequate

collateral security for repayment at a fixed period, say 5 years, and for the payment in the intermediate time of the legal interest accruing thereon by half yearly instalments.

His Excellency has it not in his power to give you any other remuneration, having in August last year afforded similar relief to persons in Bathurst similarly situated with yourself, and who applied to His Excellency for indemnity on the grounds you now adduce. I have &c.

(Signed) C. BIRD.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, *October 18th 1823.*

MY LORD,—I have had the honour to receive your Lordship's Dispatch of the 31st of March last on the subject of certain claims preferred by Mr. Thomas Willson, Head of a party of Settlers, who arrived here in the month of May 1820 in the *Belle Alliance*, for the Balance of money deposited previous to his embarkation with his party for this Colony and calling for a Summary Statement of Mr. Willson's proceedings as head of a party during the time he remained in the Colony &c., in reply to which I have the honor to enclose a Copy of the Commissary General's Account with Mr. T. Willson's party, by which your Lordship will perceive that this party so far from having any just claim on His Majesty's Government remains indebted thereto after having received the full amount of its deposits (viz. £1177 10s., which at the rate of Exchange of the day amounted to Rds. 13,352 4 3½) in the sum of Rds. 17,054 2 3½.

This clear statement will show the impropriety of Mr. Willson's application to your Lordship on this subject, an impropriety your Lordship will find considerably enhanced when you shall have perused the enclosed extract of a Circular addressed to Heads of Parties in which it was clearly explained to them that the Commissariat issues would be charged against the 2nd and 3rd instalments of their deposit account, and that Mr. Willson was quite aware of this will be as clear

by perusing his letter to the Revd. Mr. Boardman dated 25th July 1820, in which he informs Mr. Boardman that the 2nd and 3rd instalments of the deposit money of his party (the first having been paid them, in cash, on landing) will be duly carried to their respective accounts "in liquidation of the expences incurred with the Commissariat department." I am now to inform your Lordship that Mr. Willson upon his arrival in this Settlement appears to have been upon extremely bad terms with the Individuals composing his party, which circumstance seems to have had its rise in his having exacted from each individual of his party the sum of five pounds sterling over and above the amount of the person's deposit, and to his having asserted claims which the party was not inclined to admit as stated in Mr. Boardman's letter to the Landdrost of the Albany District dated 7th November 1821, and it appears from the general correspondence with Mr. Willson that the Acting Governor had much trouble in bringing about a reconciliation between Mr. Willson and his party previous to their leaving Port Elizabeth, notwithstanding which Mr. Willson merely proceeded to the spot assigned for the party and then finally abandoned them ; this part of the subject will be made apparent by referring to the enclosed copies of letters from Mr. Willson to the Acting Governor on his quitting his party, with the reply given to that gentleman by Sir Rufane Donkin's desire. Your Lordship will not fail to remark that in this letter of Mr. Willson's to the Acting Governor he is far from claiming 10,000 acres of land, the pretension he has preferred to your Lordship, but he solicits a grant on his own account of 1000 acres, a grant which he could not be considered as entitled to under your Lordship's instructions relative to the Settlers, it having been very minutely explained to them that residence on the location for the 1st three years would alone entitle them to the grants which would then be issuable.

I am induced to think that your Lordship will be of opinion that Mr. Willson's case is by this explanation fully disposed of, but in order that your Lordship may be quite aware of Mr. Willson's objects and pretensions and of the colouring which he permits himself to give to his own representations I take the liberty to enclose a copy of a letter I received from him at

the same time that I received your Lordship's dispatch, and I beg to acquaint your Lordship that the circumstance of Mr. Willson's claims and of the hitherto unsettled state of the accounts of his party, have delayed the issue of the regular titles to the Rev. Mr. Boardman, which titles will remain in the office here, until such time as your Lordship shall signify to me whether they are to be made out in Mr. Willson's name or not, and in order that Mr. Willson's further representations may be met on the spot, I have thought it right to put your Lordship in possession of the whole of Mr. Willson's correspondence with this Government, so that upon any point which he may further alledge, it will be in your Lordship's power to see the course which was adopted in his regard. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

THOMAS WILLSON in account with the Commissariat
Department.

Dr.		Rds.	Shs.	Sts.
June 1820.	To cash, being amount of first Instalment of Deposit Money, as per receipt . . .	4,338	2	4½
24 June 1820.	Rations at Port Elizabeth 2614 at 14 Stivers .	759	4	0
20 October 1820.	Cash, second Instalment of Deposit Money	4,472	0	2
24 June 1821.	Cash, third Instalment of Deposit Money .	4,542	1	3
	(Other Rations, Supplies, and Seed wheat, of which the details are given, but which I have not copied, for the sake of brevity) : .	25,309	0	2½
		<hr/>		
		39,421	1	0½

CR.

By Deposit Money Lodged in England				
£1177 10s. equal at rates of exchange				
to	Rds.	13,352	4	3½
30 Oct. 1820.	Cash on account of Supplies :	4,472	0	2
24 June 1821.	Do. Do.	4,542	1	3
31 Dec. 1821.	Balance Debit	17,054	2	3½
		39,421	1	0½

The Deposits are charged on both sides of the Account because the Settlers passed receipts for the amounts, altho' they were not actually received, but taken in part payment of

Stores and Provisions issued to them. The balance of the Account would be the same therefore if they were altogether omitted.

[Enclosure 2 in the above.]

PORT ELIZABETH, 25th July 1820.

DEAR SIR,—Having accompanied my party to the place appointed by Government for their location, I have discharged an important, arduous, and most unthankful undertaking; by the plan of arrangement which I have furnished you with, they will readily be enabled to enter upon their respective possessions, and they will now commence a life of activity, which I sincerely hope will prove a source of happiness to them.

The first instalment of their deposit money I have paid to them, and the second and third instalments will be duly carried to their respective accounts in liquidation of the expences incurred with the Commissariat Department, and their private accounts are balanced except in a trivial instance; so that notwithstanding all that has occurred to agitate our feelings, we may I trust at length sit down in peace and good will towards each other. I have endeavoured to render good for evil, and when I reflect in what manner I have been requited, I trust that many will bear in remembrance my patience and forbearance, I feel from this a conscientious satisfaction.

Those who have disapproved of me have sought to ruin my hopes and views in this Colony and perhaps have prejudiced my interests; but I will thank you to communicate this to the party, and that they have my sincere good wishes for their prosperity, and in taking my leave I heartily wish them success.

It will remain with you to exercise those exemplary duties, which cannot fail to excite veneration, harmony and peace, and I may congratulate the party in uniting with them one so well constituted to administer to their comforts; with best regards for yourself and family, I remain &c.

(Signed) THOS. WILLSON.

To the Revd. William Boardman.

[Enclosure 3 in the above.]

Victualling Stores &c. to be issued at the *place* of Location for 30 days as follows :

1½ lb. of Meat for 1 Ration, viz. for 1 Man, or 2 Women, or 3 young persons, and 1 lb. of Biscuit, or ¾ lb. Flour, or ¾ lb. of Biscuit and 2 oz. of Rice, or ½ lb. of Flour and 2 oz. of Rice.

When a kraal is made, Live Stock may be issued for Rations on application to the Commissary at Bathurst. It will be requisite for the safety of these to collect them all together before evening and appoint a nightly watch by rotation. One General mark should also be put upon them to identify the party, and a private mark for individual property.

To receive and deliver stores &c.—The party is now at liberty to elect an Individual for the above purpose, but it is considered advisable to make three divisions of the party, viz. the centre, the right, and the left, and to send 3 Individuals by rotation from each of these divisions to the Commissary or Contractors to assist in getting the Stores from Bathurst to the respective parties.

July 1820.

[Enclosure 4 in the above.]

MR. WILLSON'S PARTY, 7th November 1821.

SIR,—In obedience to your request I have subjoined an account of the disputes between Mr. Willson and his party; I am sorry that it is not in my power to be more explicit, as having no concern in the business, and my mediation not being accepted, I did not think proper to interfere.

I do not recollect any disputes during the voyage, the first open opposition which Mr. Willson experienced was in consequence of a printed circular which he sent on board at Simon's Bay, claiming certain manorial rights and privileges, which claims the party unanimously determined to resist.

On our arrival at Algoa Bay (now Port Elizabeth) another subject of dispute arose between Mr. Willson and the party. In order, as he said, to render the party more respectable, Mr. Willson required for every grant of one hundred acres, besides the Government deposit, the sum of five pounds to be

returned on our arrival in the Colony in stores, tea, sugar, soap, &^{ca}: this sum he professed himself to have repaid by the agricultural and other implements which he drew for the party out of the Government Stores at Port Elizabeth, notwithstanding the assertions of Captain Evatt and Mr. Dawson to the contrary, both maintaining that they were to be paid out of the Government deposit. The matter being brought before His Excellency, Mr. Willson promised that an amicable and satisfactory adjustment should take place.

With respect to Mr. Willson's motives for leaving the party, not having the honor of his confidence, I cannot speak positively.

The day after our arrival here having put into my hands a paper containing the order of location for the party, he took a hasty but friendly leave, saying that he was going to bring up Mrs. Willson and family and would return in a fortnight. In the letters which I have received from him since his departure he had constantly professed his intention of coming to settle among us.

Many of our party believe that being unable or unwilling to fulfil his promises made before the Governor, he has not the assurance to come up. I have been informed that he has propagated a report that fears for his personal safety prevent him from joining the party, if that be the case I will venture to insure his person from party violence at the moderate premium of a stiver per annum; no injury, I am persuaded, being meditated against him, whatever he may say or think to the contrary.

Mr. Willson in my opinion foresaw much trouble and difficulty in the farther management of the party, and therefore transferred to me a most unpleasant and thankless office, for altho' I have rendered to every individual in the party every service that I could with propriety, altho' I purchased a plough for the use of those who could not afford to buy one, and gave ten pounds per annum for the instruction of poor children, yet whenever I deny any unreasonable request all my former services are forgotten, and they are ready to censure me unmercifully.

Mr. Willson I believe would have been treated with still less deference.

Mr. Lloyd who is much better acquainted with the transactions between Mr. Willson and the party than myself, is preparing a statement thereof, which will supply any deficiencies of this.

I had forgotten to observe that Mr. Willson, on his departure from hence, requested me to locate the party, and to act in his stead until he should return. I have &c.

(Signed) WM. BOARDMAN.

To Major Jones, Landdrost of Albany.

[Enclosure 5 in the above.]

PORT ELIZABETH, 15 August 1820.

SIR,—I have the honor to inform your Excellency that pursuant to my engagement with His Majesty's Government, I have located my party of Settlers in the situation allotted for them near Bathurst, a most arduous and unthankful duty which I am very happy in having discharged, as I am now at liberty to pursue my own immediate interests.

I have herewith enclosed the sketch of a plan which I have left with the Revd. William Boardman, appropriating to each individual his immediate possession, taking care to secure to every family a ready access to the rivulet agreeable to Captain Trappes' advice, and I have furnished the best information I could give them as to the future mode of conducting their own affairs. I have enclosed the manner in which I have taken leave of my party, as addressed to Mr. Boardman, which considering their late hostility and the manner in which I have been continually worried, and which has seriously injured my health, I flatter myself we have parted better friends than I had expected; and for the information of His Majesty's Government and my own satisfaction, as it relates to the appropriation of their several deposits in account current with the individuals of my party, I have taken their several receipts in discharge of the same entered in a small ledger which I must beg leave to consider a public document.

Having thus taken leave of my party I must beg to solicit of your Excellency a separate freehold Grant of one thousand Acres which I have reserved for myself, although I am almost afraid

that the decided aversion which Mrs. Willson has to proceed into the interior, and her incessant entreaty to return back to England with her children, will I am afraid render all my views in the Colony abortive, trusting however to the honor and favor of your Excellency's consideration, with all deference,

I have &c.

(Signed) THOS. WILLSON.

To His Excellency Sir Rufane Shawe Donkin.

[Enclosure 6 in the above.]

COLONIAL OFFICE, 30th August 1820.

SIR,—I am directed by His Excellency the Acting Governor to acknowledge the receipt of your letter of the 15th Instant, and I have it in command to express to you the dissatisfaction with which His Excellency has learned that you have thought fit, from motives of private convenience, to abandon your party at the very moment when it might have been expected that you would specially devote your personal exertions to their location.

His Excellency cannot but consider the leaving the claims of your immediate servants unsettled, an aggravation of this impropriety, and under such circumstances, His Excellency does not feel himself at liberty to take your application for a separate grant into his consideration; by returning to your party, and satisfying the demands preferred against you, His Excellency may be induced, hereafter, to extend to you that favorable countenance which has never been withheld from Heads of Parties, who may, by the performance of their duty, have deserved indulgence and assistance. I have &c.

(Signed) H. ELLIS.

To Mr. T. Willson.

[Enclosure 7 in the above.]

PORT ELIZABETH, 10 September 1820.

SIR,—I could not possibly in this remote part of the world have received a more poignant communication than what is contained in your letter of the 30th August that I have incurred "His Excellency's displeasure," so very unexpected and so

painful a circumstance I must regard as a final blow to all my hopes in this Colony.

With every deference to His Excellency and the local authorities, I must flatter myself that I have doubtless fully and completely discharged the public duty which His Majesty's Government were pleased to confide to me, and that too without fee or reward. I have been guarded in all my communications with my late party (both publicly and privately) to impress upon them two very material points, pursuant to my official instructions, and my individual engagement as their leader: viz. "that on landing Government would cease to be at any further expence," and "that on the conducting them to the place appointed for their location my connection with them as their leader would wholly cease," "that they would then have to act for themselves and depend entirely upon their own individual resources and industry." Such, Sir, was the due period fixed for our final separation. Therefore after conducting them to their place of location, laying down a plan for them, and giving them the best information my humble judgment could possibly suggest for their future guidance, I do flatter myself that in every point of view I have fully and faithfully discharged my duty both towards His Majesty's Government and the Individuals of my late party.

And surely after the toils and difficulties of so arduous and unprofitable an enterprise, I may be allowed to retire and preside over the concerns and interests of my own family, after devoting above a twelvemonth (without the least remuneration even for what I have expended) in their unthankful service, but in return receiving the most revolting treatment, knowing also that the party had petitioned His Excellency for my removal, I found it impossible for me to do more for them without incurring a further improvident waste of (the most valuable part of my estate) my time, and sustain a most serious additional injury to the interest and welfare of my family. I consequently took my leave at the due period specified for our separation: and rather than be constrained any longer to waste so important a period of my life, by continuing in their service after what I have endured, most assuredly I must decide to relinquish every hope and prospect of good fortune in this part of the world.

As it appears too, that I have an accuser who has involved me in "His Excellency's displeasure," but whom you have not condescended to name, it is a duty which I owe to myself, to His Majesty's Government and also to the British public who are peculiarly interested in the welfare of the present Settlement, and as the eyes of all Europe and the World are upon us, it is my duty to enter into very painful details in justification of my individual conduct, and believe me Sir, it is the most distressing circumstance of my life to be thus called upon and compelled to it ; as no man can have a greater desire than myself to respect and uphold the Authorities in the becoming dignity which ought at all times to be attached to power : and I beg to assure you that I have the greatest possible aversion to become conspicuous touching upon such subjects ; but however repugnant to my nature or distressing to my feelings, it is a duty which I am bound to perform.

It would argue a blindness, a weakness, and the grossest folly to overlook the source from whence I have sustained this final blow to my hopes, having before me at this moment the threat of vengeance which was to inflict so dire an injury ; an injury which I consider fatal to every future prospect, and therefore the greatest injury which could be inflicted.

The Commandant of this Post had issued a Bulletin, which it appears was to supersede the necessity of every official Instruction which I had previously received, and I trust carefully and prudently acted upon, this was issued immediately after the departure of the higher powers, unhappily, and excited the worst possible feeling with the Individuals of my late party and exposed me to the grossest insults ! in support of this Bulletin (which to me did not appear consistent with the more dignified instructions which I had officially received) the Commandant has descended to become my personal enemy and my accuser ! although to my knowledge or intention, I have not in the slightest instance given the most remotest cause for this singular hostility ! In the heat of passion he thought proper to cut my family off from receiving the rations which a mild and benignant Government had considered it humane to provide for us in this remote Station where supplies of every kind are obtained with the greatest expence and difficulty : he has also to my prejudice prevented His Majesty's Storekeeper from

issuing the very stores which his own Bulletin authorized me to draw. The receipts and bills of sale for which I had actually signed upon the good faith of his word of promise to deliver to my order ! which receipts disfigured and dislocated as they were by his striking out the several articles due to me were returned, and are now in my possession, others were then substituted, and in order to check this extraordinary ill will towards me and this oppression I signed them without hesitation (not having had to the amount to which he said I was entitled) and depending that the articles contained therein would at least be delivered ; two items however, have nevertheless been refused, and my signature still retained, it therefore became my duty to forward my deposition to the Commandant in order to correct the accounts, a copy of which I retain for the information of His Majesty's Government if necessary, but having no wish whatever to notice such acts however goading to me to endure, I have left it to his option to render it necessary or otherwise, by causing the two items to be erased, if he thought proper ; and I have moreover through this remarkable strange hostility, been actually constrained for the sake of peace, to pay between two and three hundred pounds (which I had reserved for other purposes) to balance the store account with the several individuals of my party, and advance to several a moiety of their second instalment before I receive it. I have in consequence of this, Stores now on hand, which he even refuses me permission to return to the Storekeeper as I have requested (not for money) but in abatement of my account !

As to your additional charge of "aggravating the Impropriety" by leaving the claims of my immediate servants unsettled, this is an accusation which I cannot possibly understand ! not being aware of any unsettled claim which my servants have or can have to prefer against me, perhaps therefore it alludes to a balance of £5 - 17 - 7 due to the commandant's friend (Mr. Wilmott the lawyer) which I beg to assure you was tendered to him on the 4th July before a witness, but was refused by the Commandant's advice unless I also paid the second instalment, and which he has advised the whole party to insist upon obtaining from me, altho' he knows it is not the intention of Government to make that advance ; and for what reason he has thus imprudently excited them to urge the

payment of the second instalment which I do not see the propriety even of applying for, having been given to understand by every official instruction (if I understand right) that I am not to receive it, as both the second and third instalments are already anticipated in the expences incurred by the Commissariat Department.

Therefore why the Commandant should continue to urge, and even be angry, which is the case, with such of the party who are not disposed to worry and compel me to make this payment, I am wholly at a loss to form a judgment, unless it is to force the validity and insist upon the virtue of his own Bulletin, that he has thus descended to persecute me.

If indeed it should please His Excellency to issue the Second Instalment to allay the cabal so unnecessarily and improvidently excited, I will certainly have no hesitation to proceed to the party, and take their several receipts in discharge of the same ; but to go merely to gratify the private pique and the vindictive desires of a few individuals, I trust His Excellency is too humane to compel me to so painful and repugnant a mission.

Sir, God only knows how distressing and goading it is to my heart, and revolting to my nature to be under the necessity of communicating and exposing to you these details ; but I must confess it is chiefly owing to these oppressive measures, and the threat of being forced up the country by military aid, that has given me the distaste, and Mrs. Willson the distrust and dread of settling our family for the present in the interior, in fact it is to this persecution she owes her present unhappy and dangerous malady, which it is my affliction to say has produced an inflammation that has caused her to keep her bed under the care of Doctor McMann for above a fortnight, and which promises by its symptoms to gangrene a fatal and speedy termination unless she is removed from this scene of her woes ; it behoves me therefore to give her my first consideration at this moment : such are the circumstances under which I have had the severe misfortune to incur His Excellency's displeasure, but I am very sure if His Excellency could for a moment have witnessed my patience at the treatment I have endured, and the pangs I am now suffering in my domestic circle, instead of his displeasure I should have received his commendation, his

protection and his humane consideration, and I trust, as it is advisable to remove Mrs. Willson to a more congenial situation without delay, which is her constant prayer, I trust Sir, that you will have the goodness on the receipt of this, to furnish me with a Colonial Pass for my Family for that purpose.

I have &c.

(Signed) THOS. WILLSON.

To H. Ellis, Esqre., Deputy Colonial Secretary.

[Enclosure 8 in the above.]

67 NEW BOND STREET, LONDON, 7 June 1823.

MY LORD,—Having submitted to the Right Honble. The Secretary of State, the correspondence which has passed between myself and the *Settlers* whom I located in the Albany District, South Africa, and it having been suggested to me by Earl Bathurst that it “only remains for me” to make the requisite application to Your Excellency “for my Title Deeds” for the ten thousand acres of land which it appears have been granted to the Revd. William Boardman, whom I left in trust with my interests in the Albany District, which Trust is duly admitted in His Lordship’s official communication to me of the 6th June Instant, thus “in fact the Information given you by this gentleman, the Revd. William Boardman, that a grant of 10,000 acres had been made, appears to be a proof of their, (the Colonial Government) having been satisfied with the nature of his agency,” and again “His Majesty’s Government have no intention to resume possession of those Lands, under the conditions of 1819.”

My Lord, during my residence at the Cape, I deemed it useless further to urge my claim in respect to the aforesaid Title Deeds, until I could communicate satisfactorily with the Right Honble. The Secretary of State; and I must now hope that your Lordship will not defer any longer rendering me “The Title Deeds” of my lands in the Albany District, addressed to me as above, that I may be induced to resume an interest in those possessions. Waiting your Lordship’s favour, I have &c.

(Signed) THOS. WILLSON.

To His Excellency Lord Charles Somerset.

[Enclosure 9 in the above.]

Extract of a circular letter addressed by the Deputy Colonial Secretary to the several heads of Parties located in the Albany District on the 1st of May 1820.

I now proceed to state the arrangements that have already been made, by the Colonial Government for the accommodation of the Settlers ; and I feel convinced that in them will be recognised the same spirit of paternal protection, which characterizes H.M. Government at Home.

The scattered state of the population in this part of the Colony, rendering the accumulation of provisions a matter of time and difficulty, the Colonial Government have prepared a quantity of rations which will be issued at prime cost until a period shall have arrived when this case may be safely entrusted to individual exertion ; at the same time the markets (where such may happen to exist) are open to such as prefer having immediate recourse to that expedient.

[Enclosure 10 in the above.]

GEORGE HOTEL, CAPE TOWN, 3 May 1820.

SIR,—I yesterday availed myself of Doctor Liesching's favor to forward to His Excellency the Governor the official papers relative to my party of Settlers per *La Belle Alliance*, which Earl Bathurst did me the honor to confide to me to deliver personally to the Governor, and although I am not to have the good fortune of an interview with His Excellency, I flatter myself Sir, that you will do me the honor to give my views and interests that polite and humane consideration which distinguishes the Government of this Colony, and as I have several highly respectable characters with me both male and female, we cannot conceal our wishes, but most earnestly request to be located in the vicinity of Saldanha Bay.

On leaving England I was assured by Earl Bathurst that on my arrival at Cape Town I should have no difficulty in receiving

my grant of Land from the Governor, and that every facility would be afforded me, in drawing my deposit, for which purposes I will do myself the honor of waiting upon you, Sir, in the course of to-morrow.

I cannot omit to express my grateful acknowledgements for the benignant disposition of His Majesty's Government for the excellent arrangements which have been made on board the *Belle Alliance* for the accommodation and health of myself and party ; and also for the exemplary manner in which the regulations have been carried into effect, for which I am greatly indebted for the polite and humane attention of Captain Rolfe, and cannot express myself too highly in praise of the dignified, firm and conciliating manner of Lieutenant Williams (R.N.) the agent on board, who will furnish His Excellency with the official returns of the births and deaths which have occurred during the passage.

For the promotion of moral and religious duties, and for the consolation of the Settlers, I have brought with me a most worthy and respectable clergyman of the Church of England (The Revd. William Boardman), and as I was informed by Earl Bathurst that an ample provision would be made for him by His Excellency the Governor, will you do me the honor to allow me to name the stipend to him, with instructions as to the mode of drawing it &c.?

It is a painful part of my duty to inform you, that we have not been wholly free from crime, but careful to avoid the character of severity, on the passage, it has been deemed advisable to hand two juvenile depredators over to the authorities of this town, for punishment, as such example is considered most essentially necessary both by the agent and myself. It also behoves me for the welfare of the Settlement, to request before I proceed further, to be invested with a commission of the Peace, without which I should feel it both presumptuous and even dangerous to trust myself at any distance from the Seat of Government, and therefore I must entreat the favor and honor of your compliance with this request.

I cannot conclude without doing myself the honor of submitting my personal services to the entire disposal of the Colonial Government in taking charge of the Commissariat Stores, or in any other capacity wherein the views of His

Excellency and the interest of the Colony may require a faithful and zealous discharge of attention and duty.

I have &c.

(Signed) THOS. WILLSON,
(formerly in the office of H.R.H. The Duke of York.)

To Colonel Bird.

[Enclosure 11 in the above.]

COLONIAL OFFICE, 5th May 1820.

SIR,—I beg to acquaint you, in answer to your letter of yesterday, that I am not authorized to deviate from the rules laid down by His Excellency the Acting Governor which relate to the landing of Individuals from the Transports with Settlers. The *Belle Alliance* will not be detained on her arrival at Simon's Bay longer than may be necessary for debarking any stores that may have to be landed there, and with respect to the persons whom you name, obtaining provisions for the voyage, it is certainly not requisite that more than one person should attend to the arrangements thereby necessary, and therefore, your being on shore, is sufficient on that head. I have &c.

(Signed) C. BIRD.

To T. Willson, Esq.

[Enclosure 12 in the above.]

GEORGE HOTEL, CAPE TOWN, 6 May 1820.

SIR,—I have too high respect for yourself and the authorities of this Colony to convey to you my feelings in the shape of a remonstrance, notwithstanding the depression I labour under on learning from you the District in which my party are to be located, and the situation in which I am placed by being held responsible without the least power or authority of any kind whatever to enable me to control the bad passions of the disaffected ; and therefore with entire respect towards you, Sir, I trust I may at least be allowed to state my opinions.

Agreeable to my correspondence with my Lord Bathurst,

I pledged myself to my party, that "their wishes as to situation would be attended to," and that they would most assuredly be located "near the Sea Coast." I have therefore not merely to apprehend much difficulty, but an actual mutiny, when they ascertain their final destination !

I was informed by his Lordship that "on my arrival at Cape Town the deposit would be *refunded* to me in an improved state by the addition of the exchange in my favor," however the receiving it at Algoa Bay will render that of little consequence provided it is so improved ; but if the Settlers are to travel up the Country at their own expence, I have no hesitation in saying that more than one half of them will be rendered mere beggars by such a measure ! and thus driven to a state of despair, I feel that after all my heavy expences, anxiety and endeavour to serve them, and to serve Government, I do most sensibly feel that I am personally destined to be the first victim on the altar of rage and disappointment ! that is, if I proceed unguardedly, and without being invested with proper authority.

Humanity at the same time to the poorer classes, suggests to me that rather than anticipate the whole of their funds by charges upon their deposits, if you approve of it, and will condescend to recommend it, I will undertake to guarantee the payment of such stores as they may require, at a rate not exceeding five pounds per man, which I trust with similar feelings, you, Sir, will be pleased to advise the Commissariat to accede to.

In relation to my own immediate connection with the Settlers, I beg leave to hand you the enclosed conditions, under which they embarked with me as their leader ; and although I have the severe anguish of heart, to think that my views and hopes are frustrated by the great distance that we are to be located from the Capital and from the Coast, and that my expectations and property are thus to be sacrificed by a blind confidence that "I should receive every facility in my zeal to be useful to Government," and to serve my country by easing it from its redundant population, yet, Sir, the high respect which I have a right to entertain for His Excellency the Governor, and also for yourself, induce too high a sense of honor to shake my faith, and pledge with the British Govern-

ment which distinguished me with its confidence when I undertook the arduous, anxious and dangerous enterprize of directing so numerous a class of English subjects to this Settlement, and rather than abandon the benign views of Government I will most certainly prepare myself to go on, although my responsibility is unsupported by an investment of power, and I should meet no other return from those I had hoped to serve, than ingratitude, insult and perhaps assassination ; but, Sir, in thus resolving as to my own destiny, may I be permitted to request your consideration for Mrs. Willson and my three little sons, her family connexions and personal accomplishments render her most worthy, and entitle her to respect, and I must beg leave, if I find it necessary to send them back to England by the first transport that returns, or to leave them in or near this town, until I have located my party and ascertained the worst that I have to expect ! and which indeed might have been ameliorated by some official appointment of Magistracy or Commission of religion (having a Clergyman with me) or Surveyor of the Crown Lands, which I have been accustomed to, or Vendue Master, or any station which is calculated to excite respect and thereby assist me in my responsibility, requesting that you will do me the honor of your consideration, and trusting that you will see the propriety and necessity of my being so guarded and waiting your reply, I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird, Colonial Secretary.

[Enclosure 13 in the above.]

COLONIAL OFFICE, 8th May 1820.

SIR,—In reply to your letter of the 6th instant, which I have just received, I beg to inform you that it was a settlement in the Albany District, which alone was held out by the Government in England to the Emigrants and Directors who were about to embark for this Colony. According to the instructions received from H.M.'s Ministers, allotments have been prepared in that District for the several parties as they

shall arrive, and His Excellency the Governor is on the spot to attend to such details as may be necessary ; thus it is not to be apprehended that there can be any difficulty on that head. His Majesty's Government very plainly and pointedly informed the Directors that the Laws of the Colony, as they stood, were those which they would become subject to on their arrival, and it was thereby manifest that it was the intention of leaving the administration of them to the local authorities ; the place appointed for the vessels to land their passengers and stores was Algoa Bay, and it is said in the printed Circulars, that the Directors are to receive *on landing* one third of their deposits ; as those deposits were intended to provide for the immediate wants of the Settlers in food and such stores as they should find themselves deficient in, and as stores of every description have been sent to Algoa Bay by Government to meet these demands at very low prices, it is supposed that the arrangement of paying the parties on the spot is far more beneficial than it would be to make the payments here, where, if the amount is expended, it will be so at prices which cannot but be ruinous to the Settlers, the Retail Warehouses here, being very extravagant in all their charges ; however, should the Commissary General not object to making an advance here, of the first instalments, I am prepared to say that it will meet His Excellency the Governor's sanction. A very slight consideration will make it manifest to you that such offices under this Government as you point out as eligible to be filled by you, have long since been occupied by others, and it will remain for His Excellency the Acting Governor on the spot to determine whether it is expedient or necessary to make any addition to the local authorities of the Frontier District.

I beg to add that I cannot feel with you that there is any personal danger to yourself in the present undertaking. The Civil authorities on the spot, it is believed, will be found quite sufficient to repress the turbulent, should there be, (which it is hoped will not be the case) any violent or ill-disposed individuals in your party, the directors who have preceded you, similarly situated with yourself, have not been exposed to the danger which you imagine awaits you, they have proceeded to their allotments, having had every facility afforded them in

their arduous undertaking which the nature of the Country admitted.

With respect to the last point in your letter, viz., Mrs. Willson and your three children remaining here, or in this vicinity, while you proceed to locate your party, I beg to say that the arrangement will suffer no difficulty, provided the Officer of Health certifies that they are quite free from contagious disease, and that there is no danger of the measure affecting the health of the Colonists here. I have &c.

(Signed) C. BIRD.

To Thomas Willson, Esqre.

[Enclosure 14 in the above.]

CAPE TOWN, 9 May 1820.

SIR,—I feel sensibly obliged by your polite favor of yesterday, my only motive in a pecuniary arrangement here is to protect myself from actual loss, as far as I possibly can, that I may thereby be enabled to give more extensive aid to the Settlers under my direction ; I would therefore propose (as I shall have occasion to negotiate Bills upon my Bankers Sir John Perring & Co., London) to lodge the first instalment together with the Spanish Dollars which I have on board at the Bank of this Town, and take a Letter of Credit to the Commissariat at Algoa Bay for the amount, so that I may receive as specified by Earl Bathurst “ the average rate of Exchange,” and be enabled to give my drafts on landing to the Settlers to lay in such Stores as they may stand in need of, thus keeping a check upon Ebriety and ensuring a provident appropriation of their funds.

I have also to submit to you, whether I am not entitled to draw the Ship's provisions as regards the rations which the Settlers, from sea sickness and other causes, have not been able or had occasion to draw during the passage ?

I feel flattered and thankful for the interest you are pleased to take in dissipating my fears with regard to the turbulent, and am perfectly aware that at the *old* Establishments, such offices as I named must be filled up ; it is at the new towns or Villages that will naturally arise from such increase of population, that I had hoped to have your consideration, and your favor, Sir, on that point would call forth my lasting gratitude.

From the best information which I have been able to collect as to the existing state of the District in which we are to be located, I am very sure that precautionary measures, as to some wholesome regulations in the local management of my party, and for our self defence demands my serious attention! I will therefore beg leave to submit to His Excellency the Governor the propriety of enrolling the Settlers as Volunteer Corps, upon their own resources, and I shall feel greatly obliged Sir, if you will have the goodness to inform me, whether you will do me the honor of a letter to His Excellency and to the Landdrost of the District, that I may have the advantage of introduction, in the hope of being invested with a Commission for that purpose.

Your condescension in favor of Mrs. Willson and my children will ever have my most grateful acknowledgements, and we beg leave to unite our best thanks. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird, Colonial Secretary.

[Enclosure 15 in the above.]

COLONIAL OFFICE, 10th May 1820.

SIR,—The amount of the 1st instalment of the deposit you lodged at the Treasury in England will be paid to you on the Frontier, unless you make a different arrangement with the Commissariat here, to which department I must refer you for all matters connected with this subject.

In regard to your demand on the Victualling Department for unclaimed rations while on ship board, I am unable to say, whether as the Government gives the passage and ration, a claim can be made for any proportion of provision not expended, but on that point I must refer you to the Naval Commissioner at Simon's Town, or to such person as may have the superintendence of that Branch of Service during his illness, being well assured that in their interpretation of established regulations you will meet with the greatest liberality.

The Landdrost of the District has already been written to on the subject of your location, upon your arrival therefore, he will be perfectly aware of your situation and interests, and as

your communications to me with my answers to them are regularly forwarded to His Excellency the Acting Governor, I can devise no better way of making him acquainted with your views, so that upon your arrival on the Frontier you can immediately address yourself to him. I have &c.

(Signed) C. BIRD.

To Thomas Willson, Esqre.

[Enclosure 16 in the above.]

CAPE TOWN, 11 May 1820.

SIR,—I must beg to assure you that I am perfectly sensible that the greatest liberality has been evinced by every branch of the public Service as regards the Settlers. It was by no means my desire or intention to set up a *demand* or claim on the Victualling Department, far from it; I merely wished to ascertain its practice in order to satisfy the enquiries of some of the Settlers who have been in His Majesty's Service, and who appear to conceive they have similar rights in the present case, as when they were employed in that Service, the agent on board will therefore, I trust, be able if they are in error, to convince them that they are so.

You will perceive Sir by the Returns that some of my party derive half pay from Government, will you be so obliging as to state in what manner they are to draw the same and whether it will be necessary for them or me to apply personally to any authorities here, in order to facilitate such object?

I yesterday received a letter from Mrs. Willson expressive of her thanks to you for your kind intentions, and I am greatly pained to find that she is suffering severe grief, at being taken round to Simon's Bay and detained on board there notwithstanding her expostulation knowing that an order was sent by the health officer for her release, and after all the courtesy which you have been pleased to show to her, in granting permission for her to be landed here: and I must hope that the Agent whom I was before induced to think very highly of both as an officer and a Gentleman will be prepared to explain satisfactorily upon this subject! It is however a duty which I owe to her and to myself to request that you will do me the favor of

an open Order to the Naval Commissioner at Simon's Bay for Mrs. Willson and family with their baggage to be landed there, that I may take it with me to-morrow ; if in the meantime I am able to complete my arrangements with the Commissary General. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 17 in the above.]

CAPE TOWN, 12 May 1820.

SIR,—From the communication which I have had the honor to receive from the Commissary General I cannot for a moment think of disturbing the arrangements which have been made by His Excellency the Governor ; and although I have had occasion to trouble you upon several subjects relative to our Situation in this Colony, believe me, Sir, notwithstanding I have suffered unnecessary aggravation by the manner in which Mrs. Willson has been taken round and detained against every remonstrance, and order of the Health Officer, notwithstanding this *violation of good faith* on the part of the Agent, and although my feelings have been unusually excited, nothing is further from my thoughts than to offer anything in the shape of disrespect to you, and therefore I naturally (in my critical Situation) look for a reply to my letter of yesterday.

The several persons of my party who receive half pay or pensions expect me to answer them ; the clergyman looks up to me, with his large family to satisfy his *pecuniary wants*, his *hopes* and his *fears* ! Several of the respectable part of the Settlers who have the means to return to England at their own expence prefer and have proposed to adopt that course ; will you permit them, and furnish me with your permission to have them landed with their goods at Simon's Town for that purpose ? I really think it would be advisable : the enclosed letter which I beg to have returned is from a very respectable gentleman, who I am persuaded from his feeble state will never reach our destined Station alive, may he be permitted to land ?

In fact the whole party from disappointed hope, in the *unexpected distance*, which they will have to travel at their own expence appear exasperated and dismayed ! They demand

every minute thing from me, which they conceive themselves entitled to, and I have nothing to expect from them but murmur and disaffection and revenge! Yet under all these difficulties and disadvantages, feeling that my honor is in a manner pledged to Government, I will never shrink from this my disastrous engagement, as long as I meet with due support from the Executive here, therefore I hope and trust as a willing Servant to the Government and the public, I shall not be deemed unworthy of your polite consideration in receiving your answers and advice in a situation of so intricate and novel a character.

I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 18 in the above.]

COLONIAL OFFICE, 15th May 1820.

SIR,—Not having been in Cape Town on Saturday, I did not receive your letter so as to be able to answer it. I thought in my last communication I had sufficiently explained to you that the Commissary General was the channel through which His Majesty's Treasury transacts its pecuniary arrangements, and that it would therefore be clear that the half pay or pensions payable to those persons of your party who are entitled to them would be drawn through that Department, in fact the Commissary General has had a list of those persons who are to draw half pay or pensions here, and an arrangement has been sanctioned for such payment being made to them in the District of their respective location.

I have already informed you that the Colonial Government has received no instructions as to the quantum of Stipend to be allowed to the Clergymen attached to the parties about to be located, and that therefore I am not prepared to say what His Excellency the Acting Governor's decision upon this point may be, but I at the same time apprise you, that I had made Sir Rufane Donkin aware of the situation of Mr. Boardman, and that you would receive his decision on the spot.

I am not aware that it would be consistent with His Excellency the Governor's views, to permit those persons of your

party to whom you allude, to land at present from the *Belle Alliance*, that Vessel has had measles on board, and it requires in this climate the greatest precautions relative to a malady whose ravages, when introduced, have equalled those of the Plague. I had, several days ago, given directions for the disembarkation of Mr. Randall, whose letter to you I therefore return ; I admit that your undertaking is arduous, but I cannot subscribe to the insinuation that as yet you have met with any peculiar difficulties, or any you might not have anticipated, and I do not hesitate to say that the misapprehension as to the place of your location is with yourself, and has not its origin in the assurances of H.M.'s Government in England. The Albany District was the only District spoken of for the new Settlement, and the maps sufficiently point out its situation, the letter from the Colonial Office says, that the Settlers will probably be located within 40 miles of the sea, but it does not say that they will be landed within 40 miles of the place of location. Algoa Bay was the spot intended for the landing, and the Transports received their orders in England accordingly. I have &c.

(Signed) C. BIRD.

To Thomas Willson, Esqre.

[Enclosure 19 in the above.]

ALGOA BAY, 28 May 1820.

SIR,—I have the honor to acknowledge your letter of the 15th instant, and am perfectly satisfied and convinced that your explanations and replies to my enquiries have been as full and conclusive as the circumstances of the case will admit, and I beg that you will accept my grateful acknowledgement for the same : I must request also that you will be pleased to acquit me of any Insinuation when I have merely felt it my duty to communicate the Sentiments of the Settlers under my direction.

On my arrival here I find that the paternal care of the Colonial Government is conspicuous in every arrangement which has been made for our reception and welfare, I shall therefore feel it my duty, and cannot fail to exert myself in carrying into effect the plans of His Excellency the Governor, and it will

afford me the highest satisfaction to report to our friends in England and to the Government at home the advantages and comforts which the Settlers have derived from so excellent an appropriation of the local means, both as to victualling and transport, and the superior wisdom and humanity which is displayed in every branch of the Service: with every Confidence in the happy effect of these influences and my best thanks to you, I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird, Colonial Secretary.

[Enclosure 20 in the above.]

COLONIAL OFFICE, 5th July 1820.

REVD. SIR,—Referring to a communication which was addressed to this office by Captain Cloete, from Port Elizabeth, enclosing a letter from the Under Secretary of State to yourself, on the subject of a Stipend to be allowed to you as a Clergyman of the Established Church of England attached to the Settlers located under Mr. Willson, I am directed by His Excellency the Acting Governor to acquaint you, that having examined the several documents necessary therein and having ascertained that the number of persons and families of the Church of England attached to the aforesaid party are sufficient to warrant his affixing a salary, in remuneration for your clerical labours, His Excellency has been pleased to direct that you shall draw an allowance of Rds. 2000 per annum, being the full amount of salary paid to the Ministers of the Calvinist persuasion in the Country Districts who are, up to this period, the Salaried Clergy of this Colony.

This allowance will commence from the date of the arrival of the *Belle Alliance* in this Bay, viz. 2 May last, and will be paid to you through the Landdrost of Uitenhage, quarterly, that is on the 31st March, 30th June, 30th September and 31st December, or as soon afterwards as the Warrants shall have been issued in favor of that magistrate; the broken period from 20th May to 30th June last will be paid to the Landdrost's Agent here, on your account, with the warrants of the quarter just ended, and notice will be given by this post

to Lt.-Col. Cuyler of the circumstance, in order that you may have early credit for the amount.

In a conversation which I have had with Mr. Maude, relative to your Situation, that gentleman suggested that some allowance should be made to you for undertaking the tuition of the children of the party to which you are attached; it will certainly be most desirable that you should take upon yourself so important a duty, but the instructions of H.M. Government do not authorize the Governor to make any separate allowance on that account, any additional remuneration must therefore be derived from private sources. His Excellency will, however, authorize 200 acres of land, contiguous to Mr. Willson's location, to be set apart as glebe for the use of yourself and whoever may succeed you in the Ministry.

It is perhaps necessary to add that the whole of this arrangement must be submitted to the Secretary of State for final approval. I have &c.

(Signed) C. BIRD.

To the Revd. William Boardman.

[Enclosure 21 in the above.]

MR. WILLSON'S PARTY
NEAR BATHURST, 4th August 1820.

SIR,—I had the honour to receive your letter on Monday last, but an arduous and somewhat unpleasant business prevented me from acknowledging the receipt of it immediately. Mr. Willson having brought the party up to this place, returned to Port Elizabeth to bring, as he said, his family, since which time he has not been seen or heard of: the task of locating the Settlers on their respective portions devolved therefore on myself, which from the perverseness of some of the party, as well as from the nature of the ground (the banks of the river being in many places inaccessible) was a work of time and difficulty.

They are however now fixed and reconciled to their situations with the exception of a few, who never had any intentions of settling here, but took advantage of the offers of the British Government in hopes of obtaining situations in Cape Town; these, although His Excellency the Governor has fulfilled his

promise of locating them in a desirable part of the country, raise the most frivolous and puerile objections. Some of them have already applied to me to obtain for them permission to quit the Settlement, I have, however, for the present declined any interference on my part until the will of the Colonial Government be made known.

Altho' I acknowledge most gratefully Mr. Maude's kindness in endeavouring to obtain for me a Stipend as Schoolmaster to the party ; yet, had it been offered, I would not have accepted a Salary ; my intentions are to perform the office gratuitously in order that I may be esteemed the friend and benefactor, rather than the servant of my neighbours ; all that I require of them is, that by our joint endeavours a building may be erected for the instruction of their children, as also for a place of worship and Sunday School on the Sabbath ; in the meantime I have written to Col. Cuyler for the loan of a marquee.

I am very happy to say that the appearance of the country holds out the fairest prospects to the industrious agriculturist ; if water can be had all the year on the higher grounds by deepening the natural ponds, and sinking wells (and Captain Trappes coincides with me in opinion that it may) this part of the Colony would support millions of additional inhabitants.

The lateness of the season will prevent our party and indeed many others, from sowing a sufficiency of corn this year ; I have therefore proposed to my neighbours, who in general place implicit confidence in me, to provide a substitute by planting Indian Corn, which may be done from September to December.

I have &c.

(Signed) WM. BOARDMAN.

P.S.—I was sorry to learn from Mr. Willson that, when at Cape Town, in his zeal to serve me he had incurred your displeasure. Be assured it was far from my wish that he should do so ; my family would have perished in silence rather than any unpleasant discussions should have taken place on our account.

To the Colonial Secretary.

[Enclosure 22 in the above.]

PORT ELIZABETH, 20 August 1820.

SIR,—I trust your Excellency will pardon me for the liberty I have taken, but I feel that the interests of my dear children and my personal happiness are so much involved in being removed into the Interior with Mr. Willson that I assure you, I could only be induced to venture upon coming here, upon the solemn assurance that I should not be obliged to proceed up the Country, but to reside at Cape Town or any place congenial to my feelings, or else return to my friends in England who have pledged their ample protection. I must therefore entreat and solicit your Excellency to order us back to England or at least to Cape Town for a twelve month, for it is impossible that a wilderness however beautiful can be useful to Mr. Willson and his family would lose the benefit of his talents if buried in the Country, indeed it will be perfectly sacrificing us all, and after the gross threats and exceeding ill-treatment and ingratitude which he has endured I am very sure he is as little disposed to remain here as myself, therefore I entreat your Excellency's favor to order that we may return with the first ship that arrives here, begging your pardon for this intrusion and trusting to your indulgence, I have &c.

(Signed) MARY ANN WILLSON.

To His Excellency Sir Rufane Shawe Donkin.

[Enclosure 23 in the above.]

COLONIAL OFFICE, 30th August 1820.

SIR,—I am directed by His Excellency the Acting Governor to acknowledge the receipt of your Letter of the 4th Instant, and I have it in command to express to you the satisfaction of His Excellency at your exertions in effecting the location of Mr. Willson's party, abandoned in so extraordinary a manner by that Individual. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

The Revd. Mr. Boardman.

[Enclosure 24 in the above.]

COLONIAL OFFICE, 30th August 1820.

SIR,—I am directed by His Excellency the Acting Governor to acknowledge the receipt of your letter of the 15th Instant, and I have it in command to express to you the dissatisfaction with which His Excellency has learned that you have thought fit, from motives of private convenience, to abandon your party at the very moment when it might have been expected that you would specially devote your personal exertions to their location.

His Excellency cannot but consider the leaving the claims of your immediate Servants unsettled, an aggravation of this impropriety, and under such circumstances His Excellency does not feel himself at liberty to take your application for a separate grant into his consideration. By returning to your party, and satisfying the demands preferred against you, His Excellency may be induced, hereafter, to extend to you that favorable countenance which has never been withheld from Heads of Parties who may, by the performance of their duty, have deserved indulgence and assistance. I have &c.

(Signed) H. ELLIS.

To Mr. Thos. Willson.

[Enclosure 25 in the above.]

COLONIAL OFFICE, 27th September 1820.

SIR,—I am directed by His Excellency the Acting Governor to transmit to you Copy of a Letter received from Mr. Willson, and I have it in command to request that you will be pleased in your capacity as a Magistrate to take measures for bringing to adjudication in the district court the several claims against that Individual by certain persons belonging to the party that left England under his superintendence and who may still be anxious to prosecute the same. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

Charles Trappes, Esqre.,
Provisional Magistrate, Bathurst.

[Enclosure 26 in the above.]

MR. WILLSON'S PARTY, 28th September 1820.

SIR,—Be pleased to accept the unfeigned acknowledgments of myself and our party for the loan of the marquee, which Mr. Head informs me is now at Bathurst; we shall fetch it tomorrow, and on Sunday, if it please God, I purpose to perform divine service therein: on Monday our school will be opened, in the management of which my eldest daughter will assist me, by taking under her care the females and younger boys. In our neighbourhood are many other parties as those of Messrs. Southey, Greathead, Philips, Holder, Dyason, &c., who wish to participate in the benefits of instruction, these, I think that it would be wrong in me to exclude. Many couples have come to me to be married according to the rites of the Church of England (bringing with them permission from a Magistrate) two of which came from Graham's Town, whither I am requested to go as soon as I conveniently can, there being in that town and neighbourhood several children of the age of four years and under unbaptized.

Our party in general has been hitherto very industrious; yet I fear, notwithstanding their industry, we shall not have a sufficiency of bread corn for the ensuing year, especially as the culinary vegetables, which we have sown and planted, have at present a very unpromising appearance. Indian corn I am informed may be cultivated with success until February next, and that its produce is very great. I know also that in different kinds of puddings its flour is equal, or perhaps superior, to that of any other grain whatever. I have used every means in my power to procure a few bushels for the use of our party, but hitherto without success; if therefore a few bushels can be procured at Cape Town at any price I will thankfully purchase them at my own expence, being anxious to avert the discontent and despondency which a prospect of famine, however remote, would not fail to produce.

If it be not irregular to do so I request that you will present my humble acknowledgements to His Excellency for the notice he has been pleased to take of my exertions in behalf of our

party, and assure him that my time and talents shall be devoted to their Service. I have &c.

(Signed) WM. BOARDMAN.

To the Colonial Secretary.

[Enclosure 27 in the above.]

COLONIAL OFFICE, 18th October 1820.

SIR,—I am directed by His Excellency the Acting Governor to acknowledge the receipt of your Letter of the 28th Ultimo, and I have it in command to inform you that in consequence of your solicitation, and as an encouragement to the industry and good conduct of the party under your superintendence, arrangements have been made for the dispatch of a supply of Indian corn as seed to your location by the first opportunity.

I have &c.

(Signed) H. ELLIS, Deputy Secretary.

To the Revd. Mr. Boardman.

[Enclosure 28 in the above.]

COLONIAL OFFICE, 15th November 1820.

SIR,—I am directed by His Excellency the Acting Governor to acquaint you that there have been shipped on board the *Thomas Durham* for Algoa Bay seven gunny bags of Indian corn as seed for the use of the Settlers under your superintendence, and that the Commandant at Port Elizabeth has been instructed to lose no time in forwarding the same to your location immediately after the arrival of that Vessel in Algoa Bay. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

To the Revd. Mr. Boardman.

[Enclosure 29 in the above.]

CAPE TOWN, 31 HEEREGRAGT, 11th January 1821.

SIR,—On my arrival at this Port the first duty which I conceive to be due to your Excellency, and what is of the highest importance to myself and my connexions, is the vindication of my honor in relation to all my transactions with my late party ; if necessary I flatter myself that I have ample details for this purpose, which I shall at all times be most happy to submit to your inspection with every respect and gratitude.

I have &c.

(Signed) THOMAS WILLSON.

His Excellency Sir R. S. Donkin.

I must beg to request a free permit to land my Goods.

[Enclosure 30 in the above.]

31 HEERE GRAGT, 22nd January 1821.

SIR,—Will you be so obliging as to send an order to the Wharf Master to dispense with their claims upon my goods, which has hitherto been granted to persons in my situation, and my family who have been confined to the house by severe illness ever since they landed, now a fortnight, are greatly distressed for the articles in question.

I trust Sir, that my visit to this place is not misconstrued ! I assure you that nothing but the health and happiness of my family could have induced me to enter upon so serious an expence ; and although I have been grossly calumniated and have sustained the greatest injury, believe me, I can never descend to lend myself to sanction or to countenance the disaffected and libellous trash which has been thrust into my hand since my arrival here.

On the contrary I am well convinced that everything which could be done for the general welfare of the Settlers has been done which a benign, liberal and high-minded Government could anticipate ; and whatever may have been my feelings in situations of great trial and vexation, my admiration of their

measures has not ceased, and my loyalty and devotion have and ever will remain unshaken. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 31 in the above.]

COLONIAL OFFICE, 25th January 1821.

SIR,—In reply to your Letter of the 22nd Instant, I am directed by His Excellency the Acting Governor to acquaint you that the necessary instructions have been given to the Wharfmaster not to charge wharfage dues on your goods landed from the *Wakefield*. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

To Mr. T. Willson.

[Enclosure 32 in the above.]

31 HEERE GRAGT, February 13th 1821.

SIR,—Having at the request of the Assistant Commissary General at Port Elizabeth in October last executed a casual Service for the Colonial Government by receiving from the *Cambrian* Transport the detail of several Wood Buildings, the parts of which were classed and arranged in Alphabetical Allotment by my direction, and having made plans and erected three of the said Buildings for the protection of His Majesty's Stores, I must request that you will do me the honor to intimate your pleasure as to what may be charged per diem for that Service, and to whom I am to make application for the same.

I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 33 in the above.]

COLONIAL OFFICE, 15th February 1821.

SIR,—I am directed by His Excellency the Acting Governor to acknowledge the receipt of your letter of the 13th Instant, on the subject of services done by you at Port Elizabeth at the request of the Assistant Commissary General, and I am instructed to refer you, on the points submitted, to the Assistant Commissary General. I have &c.

(Signed) H. ELLIS, Deputy Secretary.

To Mr. Thos. Willson.

[Enclosure 34 in the above.]

COLONIAL OFFICE, 8th March 1821.

SIR,—In reply to your letter this moment received I beg to say that the appointment of a Surveyor of Roads is not in contemplation; there is an Inspector of Roads for the Cape District, whose duty is precisely similar to what we term Surveyor. I am &c.

(Signed) C. BIRD.

To Mr. T. Willson.

[Enclosure 35 in the above.]

WYNBERG, 2nd April 1821.

SIR,—Having received the enclosed Certificate and note from the Assistant Commissary General at Port Elizabeth, I have the honor to submit them for your perusal, and as it appears that he was not fully prepared to employ my time in the public service of erecting the storehouses &c. therein mentioned, from feelings of personal regard towards Mr. Craig I shall certainly abandon all claim for that service.

At the same time I must request you will be pleased to notice the singular treatment I met with from His Majesty's Storekeeper alluded to in Mr. Craig's note, who has thought proper to detain my private property, which otherwise that gentleman would have shipped for me! It will be obvious that the Storekeeper might with as much propriety have detained my

watch, my horse, or any other kind of property, which anybody might have directed him to keep ! I feel this an aggravation of the exceeding ill-treatment which I have before received but which from motives of delicacy alone towards His Majesty's Government, I have refrained from submitting in the shape of a formal complaint, not wishing to be instrumental in the remotest sense, of giving trouble, or of animadverting upon the conduct of persons in office ; and I will now merely request that you will be pleased to order that my winnowing Machine &^{ca}., be put on board the first vessel which returns to Table Bay, as I shall have occasion for them at my newly acquired farm.

The enclosed receipt will identify that I purchased these my private property in England ; which I would have brought back with me, and I merely left them at Port Elizabeth from Mr. Craig's suggesting that the Commissary at Graham's Town might wish to purchase for the use of Government ; requesting that you will have the goodness to return me the enclosed papers. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 36 in the above.]

Lieut. Col. Bird presents his compliments to Mr. Willson and in returning the enclosures of his communication of yesterday begs to acquaint him that the object of his application resting with the Military Department, His Excellency the Acting Governor referred it to the Assistant Commissary General with direction to that officer to order the Winnowing Machine to be sent up from Port Elizabeth when opportunity should offer.

COLONIAL OFFICE, *April 4th* 1821.

[Enclosure 37 in the above.]

WYNBERG, *14th April* 1821.

SIR,—Having recently received from the Right Honourable the Secretary of State the letter which I have the honor to enclose for your Excellency's consideration in answer to my

application to Earl Bathurst in May last for a freehold grant of the Estate to which I became entitled as Head of a party of Settlers, and as his Lordship is pleased to express that he merely forbears to take it into his consideration because it should be first submitted for your Excellency's approval, I must request that your Excellency will do me the honor and favor to forward your approbation to his Lordship.

Your Excellency will be aware that before I could bring myself to engage in so arduous an undertaking as the Head of a large party of Settlers, I did not fail to discuss the subject with those persons in England who are most dear to me, and whom I have the honor to call my friends and advisers ; to whom it was apparent that unless I could maintain a superiority of right in every respect as the Original Freeholder by a grant from the Crown, it was conceived, from the levelling principle which I had most to apprehend, that my Lands would be wholly untenable and my views would prove altogether utterly abortive, because in case of outrage and mutiny a simple grant would not only be wholly useless to me as Head of the party, but equally useless to my Heir at Law ; so that the cost attending such an Enterprise would be little short of an act of Insanity unless the Estate should be rendered freehold by the Crown to my family, and as my friends and myself were given to understand that the official Circular promulgated by His Majesty's Government would bear the most liberal construction for the benefit of the Heads of parties I was strongly recommended to make this request to his Lordship as soon as I should arrive in the Colony, and also that he would be pleased to debit the Lands with the Supplies which it might be prudent for His Majesty's Government to support me with, in lieu of anticipating my deposit money, which in fact would be the only actual means which I could have in aid to cover my expences, losses, theft and failure ; and although the great and liberal exertions of the Colonial Government for the general welfare of the Settlers must have the admiration of every well-disposed and loyal subject, nothing but the actual experience of proceeding with such a party as mine to the place of their location can possibly convey a just idea of the excessive trials which I was daily, hourly, and every minute exposed to. Surrounded by objects of irresistible claim upon my humanity

from the peculiar situation of females and children suffering every kind of distress at the same time that I was experiencing every brutality, ingratitude, and robbery, and obliged to perform the most degrading offices which were inseparable from the arduous duties which I had singly to discharge, I may truly say, that no Estate or pecuniary reward in the world could possibly compensate the mind for indescribable outrage to the feelings! Indeed after what I have suffered both mentally and bodily and also in pecuniary losses and property, I can have but little disposition to consider the neighbourhood of my lands a desirable residence for the present, or indeed a peaceful retreat for my old age, unless His Majesty's Government would be pleased to be so far considerate for me as to make my Estate a Freehold Grant. And in truth, if your Excellency could possibly oblige me with a moderate grant of useful Land in this Neighbourhood, in lieu of my 10,000 acres near Bathurst, I would willingly resign all right and title to my dear-bought Estate in the Albany District. Requesting that your Excellency will have the goodness to take this into your consideration, and return the enclosed letter, I have &c.

(Signed) THOS. WILLSON.

To His Excellency Sir Rufane Shawe Donkin.

[Enclosure 38 in the above.]

COLONIAL OFFICE, 19th April 1821.

SIR,—I am directed by his Excellency the Acting Governor to acknowledge his receipt of your Letter of the 14th Instant, with enclosures from Mr. Goulburn, on the subject of an application you had made to Lord Bathurst, relative to the tenure under which you wish to hold the lands to which you consider yourself to have claim as the Head of a party of Settlers who arrived with you in the *Belle Alliance*, now located in the Albany District. I am to inform you, that nothing will be more agreeable to His Excellency than that your views in this Colony should be attended with success, and His Excellency therefore will attend with alacrity to any instructions which shall emanate from the Secretary of State in your regard, but unless His Excellency be duly authorized to deviate from the

general rule which has been laid down for his guidance, His Excellency will be obliged strictly to conform thereto. You are aware that by the regulations alluded to, the parties will only be entitled to take Lands in proportion to the numbers who shall be located after the expiration of 3 years, and that the tenure upon which the Lands will be ultimately ceded is that of perpetuity, subject to a moderate quit-rent, the maximum of which was fixed in the circular issued by the Secretary of State. I have &c.

(Signed) C. BIRD.

Mr. Goulburn's Letter is returned herewith as you desired.
To Mr. T. Willson.

[Enclosure 39 in the above.]

COLONIAL OFFICE, 27th April 1821.

SIR,—Referring to my note to you of the 4th Instant, in which I informed you that His Excellency the Acting Governor had referred your communication of the 2nd to the Assistant Commissary General with directions to that Officer to order the Winnowing Machine to be sent up from Port Elizabeth when opportunity should offer, I am now directed by His Excellency to transmit to you the enclosed Copy of a Letter from Mr. Commissary Craig to Mr. Rogerson with Copies of its enclosures on the subject, from which it will be apparent to you that it is not in His Excellency's power to interfere in a case of disputed private property. I have &c.

(Signed) C. BIRD.

To Mr. Thos. Willson.

[Enclosure 40 in the above.]

WYNBERG, 27th April 1821.

SIR,—I have the honor to acknowledge the receipt of your letter of this date with its Enclosures, and I lament to perceive that I am likely to sustain an additional loss of property, in my Winnowing Machine, a loss which I have further to attribute to the hostile feelings of Captain Evatt! and I cannot withhold my surprise at the Singularity of his prejudicial con-

viction which he has indulged at the conclusion of his Letter, saying, "I am fully convinced Mr. Willson has no more claim to the Farm implements than I have," after admitting they were merely deposited with him until they could be forwarded ! when at the same time it must be evident that I have the best Title to this little property in the world, that of being the purchaser. I am aware that one or two of my party, when I was pressed with business lent me their assistance in getting my Goods from the Beach and in my absence left them in a place of Safety with a View of becoming Copartners, and although it becomes me to protest against any application of this property without my due authority yet I conceive it would ill become me to indulge my feelings further upon the Subject, particularly when any useful object is contemplated, and knowing that the Machine is liable to Spoil for want of use, that it may not deteriorate further, I fully authorise Mr. Hart to take it, provided the proceeds are paid to the Commissary in Account Current, and much as I regret to differ with any Gentlemen in nice points of expression I must rebut the charge of a misstatement, for I was given to understand on my departure from Port Elizabeth that it was a matter still under consideration ; and I was not informed at all of the Commissary's determination to decline it, or I should certainly have put it on board the Brig with my other personal property, and I cannot believe that any man would have presumed to have resisted me in the exercise of such a disposition of my Goods, if it had been put to the test ; however as the case is, I can only regret Sir, to have given you the additional trouble in a matter of no very great importance. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 41 in the above.]

WYNBERG, 24th June 1821.

SIR,—Having perused with attention and pleasure the address from the Settlers to His Excellency the Acting Governor in the *Gazette* of yesterday's date, signed by several Heads of Parties, and fully participating in the Sentiments therein contained, and being desirous upon all occasions to express my

devotion, loyalty, and duty to my Sovereign, and my gratitude to His Majesty's Government, and to express my feelings of veneration for His Excellency and my admiration of the measures and zeal of the Colonial Government, I must beg to request your permission, Sir, to subscribe my name thereto.

I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 42 in the above.]

COLONIAL OFFICE, 25th October 1821.

DEAR MAJOR,—The enclosed copies of a correspondence which has taken place between the Assistant Commissary General and Mr. Willson who came out with, and deserted the party now under the direction of the Revd. Mr. Boardman, will show you that His Excellency has the prospect before him of being called upon to give various explanations at home in respect to this person which require considerable accuracy and precaution; he has therefore begged me to request you to see Mr. Boardman and to call upon him to give you in writing a detail of the disputes which arose between Mr. Willson and his party, both on their way from England and subsequent to their arrival in Algoa Bay. Mr. Boardman will be able to give you his Sentiments as to the causes which induced Mr. Willson to withdraw from the party and appoint him Mr. Boardman as their Head, which it will be clear to you from the enclosed letter of Mr. W. to Mr. Boardman that he did write a letter which the former communicated officially to me. I remain &c.

(Signed) C. BIRD.

To Major Jones.

[Enclosure 43 in the above.]

GRAHAM'S TOWN, November 13th 1821.

MY DEAR COLONEL,—The enclosed letter from Mr. Boardman was brought to me this morning by Mr. Lloyd, who is himself preparing a statement of the disputes between Mr. Willson and

his party, but which he cannot furnish me before next post at the soonest. I shall take care to forward Mr. Lloyd's letter as soon as I receive it. I remain &c.

(Signed) JAMES JONES.

To Colonel Bird.

[Enclosure 44 in the above.]

SIMON'S TOWN, 10th December 1821.

SIR,—I am induced to trespass upon you again, in the hope that it will be unnecessary for me to return to England, and that Something yet may turn out in this Colony within your disposal, and that you will be pleased to take me into your favorable consideration. I understand that the Situation of Wharf Master is become vacant, and if that or any other appointment may be conferred upon me, my attention to the requisite duties will keep pace with gratitude in acknowledging the honor and favor of your high patronage. I have done myself the honor of addressing His Excellency upon this Subject, and confidently trusting to that favorable consideration which in such cases as mine, so eminently distinguishes His Majesty's Government, I must beg to submit myself entirely to your disposal. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 45 in the above.]

SIMON'S TOWN, 9th February 1822.

SIR,—I always regret to trouble you, well knowing the importance of your time, but having conversed with the Commodore upon the subject of a passage for my family in one of the Transports now in this Bay, I am convinced that my humble application will prove abortive, unless you will do me the honor to support it by a line to the commodore, and having recently received intelligence of my father's death I am doubly anxious, more particularly as my health and also my means are nearly exhausted. Your favor therefore will greatly oblige. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 46 in the above.]

SIMONS TOWN, 29th June 1822.

SIR,—I feel sensibly obliged by your polite communication of yesterday, but unhappily the ship sails this morning ; it was my wish to have sent Mrs. Willson and my Children only by this conveyance to break up housekeeping ; and I must hope that you will have the goodness to keep us in recollection when the *Pilot* arrives, by which time I trust Mrs. Willson will be in a fitter state to remove.

I must beg to express my grateful acknowledgements to his Excellency for the favor of accommodation in the Barracks, and I am perfectly aware that it is a very delicate matter to apply for any appointment here ; and if we had proceeded by the *Nautilus* we should at this moment have been Settled, and in the receipt of a comfortable income ; it is therefore only Temporary Employment that I am so urgently in need of, to defray my current expences, being cut off from every resource, and having parted with *all* our little comforts and Conveniences at my Sale in February last ; but I feel convinced from the uniform politeness and promptitude which I have experienced and gratefully appreciate, that you will continue to have my present situation in memory. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 47 in the above.]

SIMONS TOWN, 21st August 1822.

SIR,—As the *Pilot* Transport is now arrived, I must beg to entreat your favor to grant us this opportunity of returning home, it would be distressing to state what we have suffered for the last few months : our privations have literally “ worn us to the bone,” being cut off from resources and totally without occupation : and to see the health of Mrs. W. and my children suffering so bitterly is cutting to me in the extreme ; therefore in every point of view we feel it of the utmost consequence to us to return to England, and we are perfectly regardless as to

the accommodation which may be afforded us, but we earnestly pray you to grant us this opportunity. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 48 in the above.]

SIMONS TOWN, 29th August 1822.

SIR,—Nothing is so calculated to alleviate the anxiety that wrings our hearts as the promptitude and politeness, which happily for this Government, so eminently distinguish all your communications, and which bind me in gratitude, admiration and respect. If we cannot possibly be admitted on board the *Pilot* ! and I fear it is but too true that our sufferings are to be unfortunately prolonged ; yet it has been intimated to me that His Excellency is about to take up a Vessel for the conveyance of Invalids to England. I have therefore ventured to trespass upon his Lordship's attention once more, with the enclosed Letter, and I feel confident that you will do me the honor and kindness to support my application with those humane feelings, which I must ever revere. I have &c.

(Signed) THOS. WILLSON.

To Colonel Bird.

[Enclosure 49 in the above.]

SIMONS TOWN, 29th August 1822. }

MY LORD,—It is exceedingly goading to me to trespass upon your Excellency in the language of importunity ; but the pressure of my family's distress will plead my excuse for this letter : as a Father it becomes my Imperative duty to endeavour to relieve them if possible. In a bad state of Health and through a Tempestuous season, we (five in number) have existed without meat, and without bread ! We were patient in our resignation, in the earnest hope of finding a passage on board the *Pilot* ; our disappointment will be galling in the extreme, if it turns out that there shall be no room for us, regardless as we are to the kind of accommodation ! and if anyone can be admitted, we trust after so long waiting in this distressed state,

that we may be received on board, but if not, My Lord, permit me to entreat the honor of your interference to be favored with a passage by the first opportunity which occurs, that I at least may return to England forthwith and recruit myself in money to save us at the present moment. I have ample funds in the hands of my Father's Executors, but owing to my papers being taken on to India, and unknown as I am at this place, I cannot raise a single shilling for our support, but by the sale of the little remnant of our last Effects! I pray God to help us My Lord, and humanity will surely plead in behalf of my Children and my suffering Wife whose connections are not obscure being related to a Baronet and M.P. and the only Sister of Mrs. George Corvell of Fitzroy Square, whom I believe is personally known to your Lordship, and she is entitled to an Independancy in her own right; although suffering such privations here, it behoves me to struggle for her relief, but my Lord we are sensible of your kindness, and I have a perfect reliance that the humane feeling which exalts and sheds a lustre upon your Excellency's Government, will be extended to me in the perturbation of my anxiety. I have &c.

(Signed) THOS. WILLSON.

To His Excellency Lord Charles Somerset.

[Enclosure 50 in the above.]

SIMONS TOWN, 13th October 1822.

MY LORD,—The arrival of His Majesty's Ship *Leander* revives in me the hope once more of finding a speedy termination to my calamities. I have lost no time in applying to the Admiral for a passage to England, which from the well-known philanthropy and liberal feeling of Sir Henry Blackwood I flatter myself (if aided by your Lordship's recommendation) I cannot fail to receive his permission to embark, and praying that your Excellency will do me the honor to write the admiral in support of my application, I have &c.

(Signed) THOS. WILLSON.

To His Excellency Lord Charles Somerset.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the COMMISSIONERS
OF INQUIRY.*

CAPE TOWN, 18th October 1823.

GENTLEMEN,—In reply to the honor of your Letter of the 9th instant requesting to be furnished with a Copy of the Dispatch and Report which I may have transmitted to Lord Bathurst in consequence of the request signified in his Lordship's dispatch of the 30th September 1822, I beg to say that by the general instructions with respect to Settlers it was provided that they should not receive the grants of their respective locations until the expiration of the third year from the date of their taking possession, which clause of course has operated to prevent the issue of the grants intended for the heads of emigrant parties, and the delay has been protracted by the Commissariat not having made up the voluminous accounts of issues with which the several parties are chargeable, the report called for by Earl Bathurst has consequently not yet been made; but the Landdrost of the Frontier District has had his attention drawn to the subject with a view to his making to me the earliest report thereon which the nature of the circumstances shall permit, and I have the satisfaction to add that the Assistant Commissary General has informed me that within a very few days the examination of the Settlers' Account will be closed, when the grants will be forthwith prepared, according to the enclosed form, which it is to be remarked contains the clause for prohibiting slave labour on the lands to be ceded on pain of forfeiture. It will moreover not escape your notice that the extremely unsettled state of the several parties of Emigrants has been very unfavourable for coming to any accurate conclusion on the important subject to which your communication relates, it therefore may be inferred that the Landdrost will not venture a decided opinion thereon until the habits of the Settlers are more reconciled to their new positions than they can up to the present moment be supposed to be. I have &c.

(Signed)

CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET *to* R. WILMOT, ESQRE.

CAPE OF GOOD HOPE, 20th October 1823.

SIR,—In compliance with the requests contained in your letter of the 15th June last, which I had the honor to receive by the last arrival from England, I do myself the honor of forwarding to you the whole of the proceedings in the case of the female Slave Hester, tried in August 1819 for the murder of three of her children.

In transmitting this case I cannot refrain from expressing my earnest hope that an opportunity may be afforded you of exposing and commenting upon, in the terms it deserves, the unjustifiable calumny of which Mr. Money was guilty in his Speech in the House of Commons in July 1822 upon all the authorities administering justice in this Colony, his assertions, though totally without foundation, obtaining credence from his stating that he was present at the Cape at the time. Mr. Money's intentions may be good, but it is surely his duty to ascertain the Truth of assertions he continues to make in the British Parliament, deeply injurious to the authority and dignity of the Court of Judicature here and a most unjust stigma upon the character of meritorious servants of the Government in the conscientious performance of painful Duty.

I have the honor to enclose also a list of the only Government Slaves who have been sold during my administration of this Government. These were detected in a long course of systematic theft, having been treated with every degree of kindness and indulgence, and it was suggested to me that the sale of them would be an example much more likely to deter others from similar conduct than resorting to the ordinary mode of punishment, and the result has proved the justice of the reasoning. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosures in the above.]

MONDAY THE 16th August 1819.

All the Members present except Walter Bentinck, Esqre.

D. Denyssen, Esqre., His Majesty's Fiscal, Prosecutor for the Crown in a criminal case contra Hester of the Cape, female slave of J. M. Brink, prisoner, now brought up to hear Claim and Conclusion made against her.

His Majesty's Fiscal, as Prosecutor for the Crown, exhibits the Investigation held in this case, consisting in the following documents :

A. On this day, the 16th August 1819, F. R. Bresler, Esqre., Commissioned Member from the Worshipful the Court of Justice, duly assisted by Doctor L. Liesching, and me the second Clerk, proceeded to the Town Prison, and at the requisition and in the presence of His Majesty's Fiscal, held an Inquest on a certain female Slave named Hester of the Cape, belonging to J. M. Brink, and on the dead bodies of her Children, which were taken this morning out of the sea near Rogge bay ; the one named Hesje supposed to be about nine years of age, the second named David about a year and a half, and the third Spasie, between nine and ten months ; we found no external marks of violence whatsoever on any of the bodies of said three Children, but according to the declaration of said Doctor Liesching every appearance of their having been drowned ; neither could any external marks of violence be discovered on said female Slave Hester. Of the result of which examination said Doctor Liesching gave the following *Visum repertum*. Of all which this record has been made at the Cape of Good Hope, day and year as above.

Quod Attestor.

(Signed) J. F. JURGENS, Second Clerk.

B. We the undersigned at the requisition of D. Denyssen, Esq., His Majesty's Fiscal, and in the presence of a commissioned Member from the Worshipful the Court of Justice, having examined three dead bodies, one of a Girl named Hesje ten years of age, one of a boy named David three years of age, and one of a female infant about nine months old, all born in the

Cape, and late slaves of Mr. J. M. Brink, we are of opinion that they all three were drowned, and we further declare not to have found any marks of flogging or ill-treatment on any of the said three bodies.

Cape Town, 16th August 1819.

(Signed) DR. WEHR.
C. L. W. LIESCHING, M.D.

C. The undersigned at the requisition of D. Denyssen, Esq., His Majesty's Fiscal, having examined a female Slave named Hester, belonging to Mr. J. M. Brink, declare not to have found any marks of flogging or ill-treatment on her.

Cape Town, 16 August 1819.

(Signed) DR. WEHR.
C. L. W. LIESCHING.

D. Deposition given at the Requisition of D. Denyssen, Esqr., His Majesty's Fiscal, before a Commissioned Member from the Worshipful the Court of Justice of this Government, by Joseph Dammes, thirty seven years of age, born in Germany, one of the Constables here, being as follows :

That about half past six this morning Deponent together with his fellow Constable, named Ludwig Lindner, being stationed on the beach between Roggebay Battery and the Whale fishery, to see that the dirt tubs were emptied at a proper Place, they heard some cries, which having called their attention, they proceeded to the Place, when they perceived a female unknown to them laying in the water, crying out Hey ! Hey ! with her hands raised as if crying for help. That Deponent having called to the People whom he saw in the neighbourhood for assistance, a black man unknown to Deponent ran from the beach into the Sea, and having come up to the Girl, he saved and brought her on shore ; and on which occasion Deponent saw that said black man had nearly been drowned in his endeavours to save the girl.

That Deponent further saw two children successively appear above the water, both of whom were likewise brought on shore by the same black man, and who appeared to Deponent to be already dead.

That Deponent having immediately reported the circumstance to the Third Under Sheriff, Keller, the girl together with the two drowned children were carried to the Town Prison, where they now are.

Questions by the Fiscal to Deponent.

Can you state the Place exactly where you found the girl laying in the water ?

Answer. It was on the end of a Reef of rocks that runs out into the sea.

Q. Did the girl say anything after she was brought on shore, and if so, what ?

Answer. No, she did not say anything before she was taken into the Prison.

The Deponent declared nothing more, giving for reasons of his knowledge as set forth in the text, being ready whenever required to confirm this deposition on oath.

Thus deposed at the Cape of Good Hope on the 16th August 1819, before F. R. Bresler, Esq., Commissioned Member from the Worshipful the Court of Justice, who together with the Deponent and me the Second Clerk have duly signed the minutes hereof. Quod Attestor.

(Signed) J. F. JURGENS, Second Clerk.

Revision.

Appeared before the undersigned Commissioned Member from the Worshipful the Court of Justice, said Joseph Dammes, to whom his above deposition being clearly and distinctly read over in presence of the Prisoner, Hester of the Cape, Slave of J. M. Brink, he persisted thereby ; and the prisoner having declared not to have any Question to ask the Deponent, he confirmed the truth of his evidence, with these solemn words :

So help me God Almighty !

Thus revised and sworn to at the Cape of Good Hope on the 16th August 1819.

The mark X of Deponent.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

As Commissioner,

(Signed) F. R. BRESLER.

E. Deposition given at the requisition of D. Denyssen, Esq., His Majesty's Fiscal, before a Commissioned Member from the Worshipful the Court of Justice of this Government, by Pieter Stoel, forty-eight years of age, born in East Friesland, first under Sheriff here, being as follows :

That it having been reported to Deponent, about seven o'clock this morning, that a female Slave and the bodies of two dead Children were brought to the Prison, deponent immediately repaired thither, where he found said Girl still alive, but senseless, as also the said two dead bodies, on which occasion Deponent was informed that the Girl was a Slave named Hester of the Cape, belonging to Johannes Matthias Brink, and that the bodies were of two female children of said girl, the eldest appearing to be about eight years of age, and the youngest an Infant of about nine or ten months.

That as soon as said Hester came a little to herself, Deponent questioned her on the circumstance, on which she told Deponent that she had that morning gone down to the beach with three of her Children, all of whom she had thrown into the sea, and that she believed the boy, a child about two and a half years old, must be still in the water. That Deponent, on receiving this information, immediately sent out Keller the 3rd Under Sheriff with some of the black Constables, to drag for the Child which was still missing, who returned about nine o'clock with the body, which they found in the water ; and that the three bodies of the Children and the Mother were then in the Prison.

The Deponent declared nothing more, giving for reasons of his knowledge as set forth in the text, being ready, whenever required, to confirm this deposition on oath.

Thus deposed at the Cape of Good Hope on the 16th August 1819, before F. R. Bresler, Esq., Commissioned Member from the Worshipful the Court of Justice, who together with the Deponent and me the Second Clerk have duly signed the minutes hereof. Quod Attestor.

(Signed) J. F. JURGENS, Second Clerk.

Revision.

Appeared before the undersigned Commissioned Member from the Worshipful the Court of Justice, the said Piet Stoel,

to whom his above deposition being clearly and distinctly read over in presence of the Prisoner, Hester of the Cape, slave of J. M. Brink, he persisted thereby ; and the Prisoner having declared not to have any question to ask the Deponent, he confirmed the truth of his evidence, with these solemn words :

So help me God Almighty !

Thus revised and sworn to at the Cape of Good Hope on the 16th August 1819.

(Signed) P. STOEL.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

As Commissioner,

(Signed) F. R. BRESLER.

F. Monday the 16th August 1819.

Present F. R. Bresler, Esq., Commissioned Member from the Worshipful the Court of Justice of this Government.

D. Denyssen, Esq., His Majesty's Fiscal, stated that Hester, the female Slave of J. M. Brink, who was brought senseless to the Prison this morning, was in such a state of indisposition, according to the declaration of Doctor Liesching, that she could not be removed from the apartment wherein she is confined, and that, as this case required all possible speed, he requested a minute to be made, " That for the above-mentioned reasons, the Prisoner was obliged to be examined in the Gaol, with the Doors of the Apartment in which she is confined open, but with the gates of the Prison locked."

Of which this record has been made at the Cape of Good Hope, day and year as above.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

G. Interrogatories to be administered at the Instance of D. Denyssen, Esq., His Majesty's Fiscal, before a commissioned Member from the Worshipful the Court of Justice, to Hester, Prisoner :

1. What is your name, age, and birth-place ?

Answer. Hester, twenty-six years of age, born here.

2. Whose Slave are you ?

Answer. Johannes Matthias Brink.

3. Were you last night in your Master's house ?

Answer. Yes.

4. What o'Clock was it this morning when you went out ?

Answer. Half an hour after Gunfire.

5. Was there anyone with you when you went out, and if so, whom ?

Answer. No one excepting my Children, Hesje, Spasie, and David.

6. Where did you go to with those Children ?

Answer. No where else than to the beach.

7. With what intention did you take your Children to the beach ?

Answer. I had no other intention than to throw myself away with my three Children.

8. Was it then your intention to drown yourself with your three Children ?

Answer. Yes.

9. What could have induced you to such an act ?

Answer. I did it from despair and grief. I am alone in the house and must do everything, and whatever I do I cannot please my Mistress. I was obliged yesterday even to part with my Sunday's rest, and used my best endeavours to please my mistress, but could not do it. I am abused in presence of strangers and slaves for everything that is bad, and it goes the same way with my eldest Daughter, who neither can please my Master who threatened yesterday to flog me, and therefore I was afraid that I should be beaten to-day.

10. For what did your Master yesterday threaten to beat you ?

Answer. My Master intended to have had his Child christened yesterday, and I had forgotten to clean his clothes. It was dinner time, and I had to dish up the Dinner, so that I had no spare time to do it, my Master was therefore angry and said that if he took me in hand, he would have me flogged so that I should have enough at once.

11. Were you beaten at other times ?

Answer. Yes, if I deserve it.

12. Do your Master and Mistress treat you otherwise well ?

Answer. Yes, Sir, otherwise I have no reason to complain. With victuals and drink I am well provided.

13. What did you do after you got to the beach with your Children ?

Answer. I went with my three Children into the sea, between the rocks, when there came a wave that threw us all down. It was not my intention to throw myself away so at once, I only wanted to see if it would not be too hard, and while I stood thinking, a wave came and struck first the Child which I had on my arm into the Sea, and then myself, with my little boy that I had by the hand, and then my eldest Child who held me fast behind by the petticoat, followed.

14. Did your eldest Child follow you willingly ?

Answer. Yes, she held me fast by the Petticoat, and when I fell she fell with me.

15. Did you call out for help ?

Answer. Yes, I and my two eldest children called out loudly, but there was not anybody who came to our assistance.

16. Must you not acknowledge to be the cause of the death of your Children ?

Answer. Yes, but I did not do it because I was too well off.

17. Must you not acknowledge to have thereby committed a great Crime, and therefore to deserve punishment ?

Answer. Yes.

18. Have you anything else to say in your defence than what you have already said ?

Answer. I pitied my little child, because I had scarcely time to give it the breast. My little Boy was not allowed to come upon the Stoep (a sort of terrace before the house) and my Master could not bear my children. I formerly lived with old Mr. Cornelius Brink, where I had good days, and where I was brought up as a Christian.

Thus interrogated and answered at the Cape of Good Hope on the 16th August 1819, in presence of Mr. F. R. Bresler, commissioned Member from the Worshipful the Court of Justice, who together with the Prisoner and me the Second Clerk have duly subscribed the minutes hereof.

Quod attestor.

(Signed) J. F. JURGENS, Second Clerk.

H. Interrogatories to be administered at the Instance of D. Denyssen, Esq., His Majesty's Fiscal, before a commissioned

Member from the Worshipful the Court of Justice, to Rosaline, Witness.

Appeared before the undersigned Commissioner from the Worshipful the Court of Justice said Rosaline, who being examined on the underwritten interrogatories, answered thereto as follows :

1. What is your name, age, birthplace, residence, and calling ?

Answer. Rosaline (supposed to be about twenty-five). I am a bastard Hottentot, born at the Cape ; I live with Mr. J. M. Brink, where I cook the victuals and look a little after Mistress's child.

2. Were you at home yesterday and last night ?

Answer. I was yesterday at home from the time the forenoon Church was over. In the afternoon I carried my Master's Child to the Church, and after I brought the child home I did not go out again.

3. Did anything take place yesterday between the female Slave Hester and her Master or Mistress, and if so, what ?

Answer. Nothing else than that my Master scolded her a little, because she had not brushed his breeches.

4. Did not your Master threaten to beat her ?

Answer. Not when I was present.

5. Did Mrs. Brink scold Hester ?

Answer. No.

6. Does it frequently happen that Hester or her Children are scolded or abused by their Mistress ?

Answer. No, but it sometimes happens that Hester will not give her youngest child the breast, and then her Mistress scolds her. She quite neglects her Children.

7. What do you think was the reason of Hester attempting to drown herself and her Children ?

Answer. That I don't know. She is by no means badly off. She is frequently, when my Master or Mistress scolds her, so spiteful that she will not listen, but goes backwards and beats her sucking Child.

8. Were you up this morning when Hester went out ?

Answer. No, I was in bed, I did not see her go out.

9. Does Hester keep the key of the street door ?

Answer. No, it lays in the bedroom of my Master and Mistress.

10. Have you answered everything according to truth, and are you ready further to confirm your evidence ?

Answer. Yes.

Thus interrogated and answered at the Cape of Good Hope on the 16th August 1819 before Mr. F. R. Bresler, commissioned Member from the Worshipful the Court of Justice, who together with the Witness and me, the Second Clerk, have duly subscribed the minutes hereof.

Quod Attestor.

(Signed) J. F. JURGENS, Second Clerk.

Revision.

Appeared before the undersigned commissioned Member from the Worshipful the Court of Justice, said Rosaline, to whom the above interrogatories and answers being clearly and distinctly read over, in presence of the Prisoner, she declared to persist thereby as being in every respect conformable to truth.

The Prisoner declared not to have any Question to ask the Witness, but said that Rosaline was not present when her Master threatened her.

Thus revised at the Cape of Good Hope on the 16th August 1819.

The X mark of Rosaline.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

As Commissioner,

(Signed) F. R. BRESLER.

I. Interrogatories to be administered at the Instance of D. Denyssen, Esq., His Majesty's Fiscal, before a commissioned Member from the Worshipful the Court of Justice, to Johannes Matthias Brink, Witness.

Appeared before the Undersigned Commissioner from the Worshipful the Court of Justice said Johannes Matthias Brink, who being examined on the under written Interrogatories answered thereto as follows :

1. What is your name, age, birthplace, residence, and calling ?

Answer: Johannes Matthias Brink, twenty-two years of age, born in this Colony. I reside in Longmarket Street, where I keep a shop.

2. Did anything take place yesterday between you and your female Slave Hester, which you can suppose could have given her cause for any extraordinary dissatisfaction?

Answer: No, nothing whatever; I only recollect having reprimanded her for not taking proper care of the clothes which I wanted to put on, in order to have my child christened.

3. Did you threaten to beat her?

Answer. No, I only said that she must take care in future that my clothes were clean and ready.

4. How did Hester behave herself in general?

Answer. Not very well. The reason was that when I was married, she would not acknowledge my wife, who was brought up with her in the house of my father in law, as her Mistress, for which I frequently scolded her, and then she grumbled.

5. Was she ever beaten since she has been with you?

Answer. Yes, but the last time is now about three months ago.

6. How did Hester behave in general with respect to her Children?

Answer. Very negligently; she never cleans her youngest child, and this was the reason that my wife was obliged to give the Child over to the care of Rosaline, who looked after it while the Mother did nothing but suckle it. She has been frequently reprimanded for her slovenliness with regard to her children.

7. What used Hester to do when she was reprimanded on the last mentioned account?

Answer. Nothing else than showing dissatisfaction, and even ill-treating her children, in such a manner that I used to be obliged to interfere.

8. In what manner did you learn that Hester had left your house this morning with her three children?

Answer. This morning while I was in bed, Rosaline came into the Room, and said that Hester was drowned, and in this manner I learned the circumstance.

9. Have you anything further to relate to the Court about the business?

Answer. No.

Thus interrogated and answered at the Cape of Good Hope on the 16th August 1819 before Mr. F. R. Bresler, commissioned Member from the Worshipful the Court of Justice, who together with the Witness and me the Second Clerk have duly subscribed the minutes hereof.

Quod Attestor.

(Signed) J. F. JURGENS, Second Clerk.

Revision.

Appeared before the undersigned commissioned Member from the Worshipful the Court of Justice, said Johannes Matthias Brink, to whom the above interrogatories and answers being read, in presence of the Prisoner, he declared to persist thereby, not wishing that anything should be added to, or taken from the same.

Question by the Prisoner to the Witness.

Did you not yesterday threaten to beat me ?

Answer. No.

The Witness in confirmation of the truth of his evidence, spoke these solemn words

So help me God Almighty !

Thus revised and sworn to at the Cape of Good Hope on the 16th August 1819.

(Signed) J. M. BRINK.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

As Commissioner,

(Signed) F. R. BRESLER.

K. Interrogatories to be administered at the Instance of D. Denyssen, Esq., His Majesty's Fiscal, before a commissioned Member from the Worshipful the Court of Justice, to Michiel, Slave of Mr. De Lettre, Witness.

Appeared before the undersigned Commissioner from the Worshipful the Court of Justice, said Michiel, who being examined on the under written Interrogatories, answered thereto as follows :

1. What is your name, age, and birthplace ?

Answer. Michiel, I am fifty years of age and born at Mauritius.

2. Whose Slave are you ?

Answer. I belong to Mr. De Lettre, but I am let out on hire to Mr. Brink, where I live.

3. Were you at Mr. Brink's yesterday, and last night ?

Answer. Yes.

4. Did anything happen yesterday between Hester and Mr. Brink or his wife ?

Answer. There was something, I don't know if she got a slap in the face ; I cannot exactly say.

5. What is your usual work at Mr. Brink's house ?

Answer. Bringing water, cleaning of Casks, and carrying out Parcels, but I am for the most part backwards.

6. Did you ever see that Hester or any of her children were ill-treated by their Master or Mistress ?

Answer. No, since I have been there I never saw anything of the kind.

7. Did you see Hester go out this morning with her three Children ?

Answer. No, I was asleep. Hester had the key of the street door.

8. Have you answered everything according to truth, and are you ready further to confirm your evidence ?

Answer. Yes.

Thus interrogated and answered at the Cape of Good Hope on the 16th August 1819, before Mr. F. R. Bresler commissioned Member from the Worshipful the Court of Justice, who together with the Witness and me the Second Clerk have duly subscribed the minutes hereof.

Quod Attestor.

(Signed)

J. F. JURGINS, Second Clerk.

Revision.

Appeared before the undersigned commissioned Member from the Worshipful the Court of Justice, said Michiel, to whom the above Interrogatories and answers being read over, in presence of the Prisoner, he declared to persist thereby, as being in every respect conformable to truth.

Question by the Prisoner to the Witness.

Can you certainly say that my Children are not beaten by my Master ?

Answer. I have heard of their having got a slap in the face, but I did not see it.

Thus revised at the Cape of Good Hope on the 16th August 1819.

The X Mark of Michiel.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

As Commissioner,

(Signed) F. R. BRESLER.

L. Interrogatories for the second examination of the Prisoner Hester at the requisition of D. Denyssen, Esq., His Majesty's Fiscal, before a Commissioned Member from the Worshipful the Court of Justice.

Appeared before the Undersigned Commissioner from the Worshipful the Court of Justice the Prisoner, said Hester, who being examined on the underwritten Interrogatories, answered thereto as follows :

1. When were your Children Solomon and Jephta last with you ?

Answer. Solomon came to me yesterday at noon, but Jephta was with me the whole of the day.

2. What did you say to them ?

Answer. Nothing else than that I scolded Solomon because he had not been at school.

3. Did you tell them to come to you early this morning ?

Answer. No.

4. How did you get out of the House this morning, when your Master keeps the key of the street door himself ?

Answer. My Child fetched the key out of the Room, as usual, in order to air and clean the house, and in that manner I got out.

Thus interrogated and answered at the Cape of Good Hope on the 16th August 1819, before Mr. F. R. Bresler commissioned Member from the Worshipful the Court of Justice, who

together with the Prisoner, and me the Second Clerk have duly subscribed the minutes hereof.

Quod Attestor.

(Signed) J. F. JURGENS, Second Clerk.

M. Monday 16th August 1819.

Present F. R. Bresler commissioned Member from the Worshipful the Court of Justice.

After that all the Documents in the criminal Case of His Majesty's Fiscal contra Hester, female Slave of Mr. J. M. Brink, Prisoner in said case, were publicly read to the Prisoner, the Fiscal stated that for his part he had no hesitation to consider the investigation closed.

The commissioned Member acquiesces, and declares the Investigation of this case closed.

Done at the Cape of Good Hope, day and year as above.

In my presence,

(Signed) J. F. JURGENS, Second Clerk.

All the above mentioned documents being publicly read by the Secretary of the Court, His Majesty's Fiscal aforesaid, as Prosecutor for the Crown, hereupon says :

Worshipful Gentlemen,—On receiving information this morning of the Perpetration of this horrid act, I immediately acquainted His Excellency the Governor and Commander in Chief thereof, and also His Honour the Chief Justice, and proposed to the latter that the case might be tried with extraordinary speed, in order that the punishment should follow the Crime as speedily as possible. The investigation that has been held by me in this case, the Documents of which have just been read by the Secretary, contains all the circumstances of the Crime, and from which it appears, that the Prisoner this morning, half an hour after gunfire, left her Master's house with her three children, Hesje, David and Spasie, and repaired to the beach between the Rogge bay Battery and the Whale fishery, where with one Child on her Arm and another in the hand, while the third held fast behind by her Petticoat, she walked into the sea, and went and stood among the rocks, thinking of the act she was about to commit.

That a wave came and struck first the Child which she had

on her arm, and then the one she held by the hand, into the water, and thereupon herself, through which the other child, who had a hold of her Petticoat, followed. That the Prisoner while in the water, as well as her Children crying out, two of the Constables who were in the neighbourhood to see that the dirt tubs were emptied at a proper place, proceeded to her assistance, and had her brought on shore by a strange Slave who first came up, and which Slave likewise fetched out two of the Children who successively appeared above the water. That the Prisoner, who was still alive, being taken, together with the dead bodies of the two Children to the Prison, while the body of the other Child was found shortly afterwards at the same Place, she on that occasion did not allege any other reason for the act than that she was continually scolded by her Master and Mistress; that her Master had also yesterday threatened to flog her, and neither she nor her Children could please her Mistress. In the meantime, not the smallest trace of ill treatment could be discovered either on the Prisoner or on the bodies of the three Children; while not only Rosaline the Witness, who had the most to do with the Prisoner in the house, testifies to the good usage which both the Prisoner and her Children experienced from her Master and Mistress, but also the Prisoner herself acknowledges that she, through her negligence, had given reason for the threats of a beating which her Master had yesterday made use of. It was her business to brush and keep clean her Master's clothes, which she forgot or neglected to do, and that just at a moment he particularly wanted them in order to go to church to have his Child christened. The Prisoner therefore committed the Crime without a cause, and solely from a wanton petulance; for were there anything to be said in her behalf, I should do it with my usual candour; on the contrary, all the Circumstances of the case deprive me of the liberty to allege anything in her favor. She was in the full Possession of her senses and reason at the time she committed the Act, and also when she was examined; of which the document of her examination bears the clearest proof. More than once, according to the evidence of Rosaline, has the Prisoner been guilty of excesses with respect to her Children. The crime she has now committed is considered by all laws Divine and human as one of the most horrible, and no wonder, for he who wilfully deprives another of his life,

however great a stranger to him, must forfeit his life also. How much more so then, the Prisoner, who has at once launched three Souls into Eternity, yes even has torn asunder the bonds of nature, and wilfully takes away the lives of three of her own Children. And it is on all these grounds that I feel myself obliged to conclude, that the Prisoner shall be condemned by Sentence of your Worships to be brought to the usual Place of Execution here, and being there delivered over to the Executioner to be strangled at a stake, with condemnation of the Prisoner in the costs, or to such other punishment as your Worships in good Justice may deem meet.

This Claim being again read over to the Prisoner, she declares to understand it fully, but that she has not anything to say against it.

The Court having read and examined the documents exhibited by the R. O. Prosecutor, having heard the Claim, and taken everything into consideration which deserved attention or could move the Court, administering Justice in the name and on behalf of His Britannic Majesty, condemns the Prisoner in this case, and she is hereby condemned accordingly, to be brought to the usual Place of execution, and being there delivered over to the Executioner, to be strangled at a Stake, with further condemnation of the Prisoner in the Costs and expences of the Prosecution.

Thus done and decreed in the Court of Justice at the Cape of Good Hope on the 16th August 1819, pronounced the same day, and after having received the Fiat of his Excellency the Governor and Commander in Chief, promulgated on the 17th following.

(Signed) J. A. TRUTER,
C. MATTHIESSEN,
W. HIDDINGH,
J. H. NEETHLING,
F. R. BRESLER,
J. C. FLECK,
P. S. BUISSINNE,
P. J. TRUTER, JUNR.

In my presence,

(Signed) D. F. BERRANGE, Secretary.

Fiat Executio.

(Signed) C. H. SOMERSET, Governor.

[Copy.]

Letter from LORD CHARLES SOMERSET *to the* COMMISSIONERS
OF ENQUIRY.

CAPE TOWN, 20th October 1823.

GENTLEMEN,—In reply to the honor of your Letter of the 10th Instant requesting that you may be furnished with copies of all Instructions and Regulations that may have been transmitted to the Landdrost of the District of Albany for the organization and discipline of the Albany Levy, I beg leave to transmit to you copies of the Correspondence which has passed between the Colonial Office and the Landdrost of Albany on the subject. I have &c.

(Signed) CHARLES H. SOMERSET.

[Original.]

List of Sales of Government Slaves.

The following are the only Government Slaves who have been sold since the year 1815. They were sold by Public Auction in Stellenbosch under the Restriction that they were never again to be employed or allowed to come to Cape Town, as an example to others, in consequence of having been detected in a most nefarious course of systematic theft.

Adelaide to Miss Wrangmore,
Engela to H. van der Horst,
Malatie to J. L. Immelman,
and Carolina to Miss Wrangmore.

(Signed) CHARLES HENRY SOMERSET.

20 OCTOBER 1823.

[Copy.]

Deposition of MR. WILLIAM PARKER.

County of Cork.—William Parker of Passage West in this County came before me Becher Fleming Esqr. one of His Majesty's Justices of the Peace for the County of Cork, and voluntarily maketh Oath that on his first interview with Lieutenant Colonel Christopher Bird the Colonial Secretary at the Cape of Good Hope on being asked by him why Deponent did not bring a Roman Catholic Priest with his Settlers from Ireland Deponent did declare his antipathy to the practices and conduct of the Romish Priesthood, the spiritual domination and Tyranny of the Church of Rome being one of the darkest features which the National pictures of Ireland exhibited.

Deponent saith that this Declaration was made to Colonel Bird, not doubting but that the organ of the old Protestant Colony of the Cape of Good Hope was what the Laws and usages of the British Colonies indispensably require, a Member of the Church of England, to whom such an assertion being in strict unison with the declaration which Deponent has made against Popery, transubstantiation and the other Dogmas of the Church of Rome could not be displeasing, and which Declaration Deponent supposed at the time Colonel Bird had made *before he assumed the Duties of Colonial Secretary.*

Deponent further saith that previous to his proceeding from London to the Cape of Good Hope that he had the honor to receive through the Earl of Listowel now residing at Kingston House near London his present most gracious Majesty's signification of satisfaction at Deponent's proceeding to the Cape of Good Hope, and that he should go there possessing his Majesty's best wishes, and that his Lordship subsequently wrote to him from Brighton that Sir Benjamin Bloomfield had called on him by desire of the King, to say that he Sir Benjamin had received an assurance from Mr. Henry Goulburn the late Under Secretary to the Colonies that the Earl Bathurst had promised the most scrupulous attention to His Majesty's Royal Commands, and that instructions should be sent to have Deponent and his Party located at the Knysna, that being Deponent's principal object, and that every other possible

favor should be shown to him, but that on stating these facts to Col. Bird, he denied that any such instructions were sent from the Colonial Department to the Local Government at the Cape, and that Deponent consequently felt great chagrin at this omission, for notwithstanding the documents he shewed Colonel Bird the Secretary denied his cognizance of the Royal recommendation, and even insinuated that these Documents were surreptitious, thus accusing either the Earl Bathurst and Mr. Goulburn of a total disregard of the wishes of the King or Deponent of the crime of fabricating papers to deceive the Authorities at the Cape.

That Deponent further refers to the Memorial of the 29th September 1820 from Saldanha Bay which he forwarded to Lord Bathurst and which explicitly states the numerous evils he sustained from having given offence to the Colonial Secretary and his having been in the most insidious manner deprived of his Land and House at the Klein Valley in the sub-Drostdy of Clan William in the Colony of South Africa, without any enquiry although frequently solicited, not only from the Colonial Secretary but from the Acting Governor Sir Rufane Donkin, and the truth of which Memorial as far as has come within his own knowledge he now confirms on his solemn oath.

And Deponent further saith that being in Cape Town in July 1820 he applied by letter to Sir Rufane Donkin for a recognition of His Majesty's gracious Commands and that in answer Sir Rufane declared that His Majesty's Principal Secretary of State never had sent such communication to him and that he could but recognize Deponent from the want of such communication as one of the Heads of Parties of Settlers only entitled to participate in the general privileges of other Heads of Parties.

Deponent further saith that being denied any enquiry into the ills he suffered or the slightest compensation for being deprived of all his rights as a Settler under the Parliamentary Grant or even being allowed provisions for his numerous Dependants in common with all the other Settlers during an alarming scarcity, was obliged frequently to go to Cape Town for Provisions where he met the Rev. N. R. Dennis, the Chaplain to the Forces and acting Colonial Chaplain, and in conversation with this Reverend Gentleman now residing at Kilverden in

Essex, he stated to him that the cause of the Colonial Secretary absenting himself from a meeting at Cape Town held under the Presidency of Sir Rufane Donkin for the establishment of a Bible Society, was his being considered a Roman Catholic, and that he never attended the Protestant Service or received the communion agreeable to Law, and that on Deponent's representing to Mr. Dennis the insidious persecution he suffered, he was forcibly struck with a perfect recollection of the conversation he had with Colonel Bird respecting the Popish Priests the first day he saw him, and that Col. Bird being himself a papist was, he was convinced, the actual cause of the treatment he had experienced. Deponent further saith that on Lord Chas. Somerset's return to the Government in December 1821, Mr. Dennis corroborated in His Excellency's presence what he declared to Deponent.

Deponent further saith that on the 9 July 1821 when he was at Saldanha Bay he received a Letter from Mr. Henry Goulburn dated 13th February acknowledging the receipt of his Memorial of the 29th Sept. 1820, stating that a Copy of it had been transmitted to Sir Rufane Donkin for his consideration and report, and that a few days after he received from Major Nicolls of the 72 Regt. the following letter :

To Wm. Parker Esq.

CASTLE, 19th July 1821.

DEAR SIR,—I am this moment informed that a Letter of yours wrote to Earl Bathurst has been retransmitted to this Colony and is now in the possession of the Acting Governor, among other persons therein mentioned as being inimical to this Government you state " an Officer of Rank with whom you are on terms of intimacy to be one," as I have as far as my circumstances will permit when you occasionally come to Town treated you with all the hospitality I could, and it is pretty generally known that when you visited the Cape you always called, the world or those whom your letter concerns may unjustly suppose I am that Officer of Rank to whom you allude, I have to request you will have the goodness in justice to me, immediately on receipt of this to place beyond doubt " whether I am that Officer of Rank." I thank God I am neither hostile nor repugnant to this or any other Government,

without I hope requiring any oral evidence ; I acknowledge with gratitude your invariable hospitality towards me, which I shall never forget, and for which it would be a base return to implicate you in my controversy with this Government. Should such a Report as you alluded to be in circulation, I can have no objection to your applying to the Acting Governor for a perusal of the Copy of my Memorial of the 29th Sept. 1820 transmitted to His Excellency by the Colonial Department. You are at liberty to use this Letter in the most public manner. I am, my dear Sir &c.

(Signed) WM. PARKER.

Deponent further saith that in reference to the above correspondence with Major Nicolls he felt so uneasy at his relative situation with Sir Rufane Donkin, who was always under the influence, controul and direction of the Colonial Secretary, that he proceeded forthwith to Cape Town where he was most cordially received by the Officers of the Castle, who saw through the Artifices with which Jesuitism designed to overwhelm Deponent and his gallant friend Major Nicolls, but which were so promptly met and counteracted by both. And that previous to Deponent having had his Petition to the House of Commons presented by Sir Thomas Lethbridge in May last, he requested his Friend Sir Nicholas Conway Colthurst, Bart., Member for the City of Cork, to compare with the Colonial Office his Original letter of the 29th Sept. 1820 with the Copy he then handed Sir Nicholas, and that Sir Nicholas assured him no such passage as Major Nicolls and Captain Irvin referred to was therein, and therefore such passage was a palpable interpolation of Col. Bird for the purpose of irritating the weak mind of Sir Rufane Donkin whose administration of the Government was in every respect so contemptible, imbecile and ruinous to the general Interests of the Colony, as Deponent is well prepared to prove by circumstantial evidence, but that he has reason to think that such misfortunes proceeded more from mental aberrations than from any evil intentions on the part of Sir Rufane, whose temper became peevish from ill health and which disqualified him for his important duties. Deponent freely admits that Sir Rufane Donkin did by circular letter addressed to him,

Deponent saith that he returned the following answer to Major Nicolls, which that excellent man read to his brother officers, as Sir Rufane Donkin had declared to Captain Irvin, Paymaster of the 72d, in public Company at his own table, as Deponent was informed that Sir Rufane would assemble all the Field Officers of the Garrison and know from each seriatim which of them was hostile to his Government, as Deponent had stated in his Memorial to Lord Bathurst, the general impression being that if Deponent had used such words and they were founded in Truth, that *he was actually tampering with the Officers of the Garrison for the purpose of Mutiny or Sedition, objects foreign in the extreme to Deponent's habits and disposition.*

To Major Nicolls.

SALDANHA BAY, 23 July 1821.

DEAR SIR,—I have this day received your letter of the 19th Inst. which adds to the many instances I have experienced here that truth is a contraband article in this Colony, and of which you will be convinced when I shall shew you a true Copy of my Letter to Earl Bathurst, which his Lordship has very properly transmitted to the Acting Governor previous to ulterior operations, which will no doubt be adopted in London ; you will find that the Letter alluded to did not refer to any Officer of rank being inimical to this Government, the only Officers of Rank to whom I ever alluded in my correspondence with the Colonial Department or with Mr. Wilberforce (all of which will most likely be published) were Sir Jahleel Brenton and Mr. Rogerson the Assistant Commissary General, *and as I am fully determined on obtaining the most public satisfaction* for the injury I have sustained from the Local Authorities here, it will be seen that I have never alluded to you, or to any other individual as being inimical to this Government. What motive could there be in such an assertion, could it save my case or benefit me in the slightest degree ?

I have retraced all my correspondence and cannot discover the slightest allusion to such a paper, but it is evident that those who dread the effects of their own ill conduct are straining *every means*, whether justifiable or not, to screen them from impending punishment. I have abundant written official documents against them to prove the justness of my case

required an appeal to another Tribunal from the fallibility naturally attendant on all human transactions.

Deponent admits from the communications he has received and as Mr. Wilmot Horton also admitted in the House of Commons to the Honorable Christopher Hely Hutchinson and Sir Nicholas Conway Colthurst, the Colonial Department had also received, *that all* the Settlers, that is the Heads of Parties who went to the Zuureveld had totally failed and as their failure was not from any fault of their own but the actual inadequacy of the Country for Colonization, a fatal error, that they all will expect or require compensations, yet from the FACTS contained in this affidavit, Deponent conceives that from his bold defence of the British Constitution in a Foreign Land from the baneful artifices of a Jesuitical Secretary, when the whole Colony was under his power and influence, he is the more peculiarly entitled to the immediate consideration of His Majesty's Government as the whole of his conduct has been characterized by a strict adherence to truth and by a manly defence of his King and Country, and that regard to a solemn Oath which he took as a protestant Freeman and as an Officer of the Irish Yeomanry, in which during the Rebellion in Ireland his Loyalty was indisputable and in which he had opportunities of knowing what Popery was, is, and ever will be, hostile to a Protestant King and Protestant Government.

Deponent further saith, that he had an interview with the Revd. Doctor Robert Jones of Bedford in Middlesex, and who was Colonial Chaplain at the Cape during the excellent Government of General Lord Howden and a part of Lord Charles Somerset's administration, when deceit and Jesuitism so much flourished during the latter noble Lord's rule, that Doctor Jones declared he could no longer remain in the Colony, and actually resigned the Colonial Chaplaincy, preferring an humble Curacy in England with liberty of conscience and the right of doing good, which he stated was denied to him by Col. Bird, to the emoluments of his situation under the rule of a Papist, and for this fact Deponent refers to Doctor Jones now Rector of Bedford and to the Lord Bishop of London with whom Deponent has had a correspondence on the Interests of the Church of England at the Cape.

Deponent further saith that previous to his leaving South

Africa he informed Lord Charles Somerset at Newlands that he had the best authority for asserting that Colonel Bird never took the Oaths of qualification for his high official duties which Oaths Deponent considered indispensable, but that His Excellency did not admit that such was the case, and he read a Paragraph in his Commission from the King which His Excellency thought bore on the question, but which did not appear to Deponent in that light, and that subsequently Deponent saw in the *Sydney Gazette* an Official Notice of Major Goulburn's being sworn in, which Paper Deponent sent Lord Charles Somerset as a proof of the soundness of Deponent's opinion, and he further saith that in conversation with many members of the House of Lords both Spiritual and Temporal their Lordships admitted that Col. Bird being a Papist was totally disqualified for being the confidential adviser of a Protestant Colonial Government.

Deponent further saith that on General Lord Howden's arrival in London from Yorkshire he waited on his Lordship who also informed him that Colonel Bird never shewed any attachment to the Protestant Religion and suspecting he was a Papist, his Lordship did not desire when Colonel Bird was Deputy Colonial Secretary, his interference in the Government, and he gave him leave to go to England, a circumstance for the corroboration of which he refers to his Lordship, No. 13 Hereford Street, or to his residence in Yorkshire, but that Deponent in order to be well assured of the fact of Col. Bird's inherent repugnance to the established Religion of England, wrote to Preston for information respecting him and received a Letter dated in December 1822, that the Rev. John Bird, brother to the Secretary at the Cape, was a regular Jesuit, and that he and the Secretary were both educated at Stonyhurst.

Deponent further following up his research found, that Colonel Bird was from descent of a *bigotted Roman Catholic family*, that his mother's name was Weston of Darnsfield Court near Weably in Herefordshire, and that one of his sisters conducted a Nunnery at Taunton in Somersetshire.

Deponent submits that all these facts compared and the extraordinary circumstances stated in his Pamphlet the "Jesuits Unmasked" of the injury Colonel Bird was inflicting

on the Protestant Religion at the Cape are alone sufficient to require the public dismissal of Colonel Bird and the prompt consideration not only of the sufferings of Deponent as a Loyal Protestant Settler but of the real and substantial service he has rendered the public by a rigid and undeviating perseverance "through good and bad report" in his important charges now proved by his solemn Oath which can be verified by numerous Oral and documentary Evidences in England without further reference to the Commissioners at the Cape.

Deponent further saith that having charged Lieut. Colonel Bird with having most unjustly and iniquitously obtained Grants of Public Lands particularly at Hout's Bay, and of valuable building ground at Cape Town for his own use when Deponent was tauntingly denied the rights of a Settler, or any recognition of the King's most gracious disposition towards him, he did previous to his departure from Cape Town apply to Lord Charles Somerset for copies of such grants, which he understood his Excellency had most properly suspended, as well as for copies of the Grants and correspondence respecting the great extent of Public Lands at the Knysna and Rietfley, with which Official Copies had Deponent been furnished he would have brought home to the Local Authorities at the Cape a system of deception in the Colonial Department and of spoliation of the Lands of the Crown of which his knowledge had made his remaining at the Cape a thorn in the side of the Colonial Secretary and the other Public Delinquents.

And Deponent further states that he heard of the liberal remittances made by the Colonial Secretary to his Brother the Revd. John Bird, the Jesuit Priest at Preston, who was educated with him at Stoneyhurst, and towards his Sister who conducted a Nunnery or Convent at Taunton in Somersetshire, where that establishment has been distinguished for its extent and internal arrangements, as well as Miss Bird has been notorious, as Deponent has been informed, for proselyting the children of Protestants in a manner that causes the most serious alarm to any one who regards the Religion of England, and who abhors Popery the hotbed of tyranny and despotism, as it proved to Deponent at the Cape during the *illegal* usurpation of the supreme Government at the Colony by Colonel Bird, who completely ruled Sir Rufane Donkin, and altho'

Deponent has no positive proof of the fact, he has heard it inferred that the Jesuit Establishment at Stoneyhurst and the Nunnery or Convent at Taunton have largely prospered, by funds remitted from the Cape of Good Hope, a circumstance which Deponent most humbly submits requires the attention of His Majesty's Ministers, as Jesuitism has rapidly advanced in England since Colonel Bird became so influential in South Africa.

(Signed) WM. PARKER.

Sworn before me at New Court in the County of Cork this 20th day of October 1823.

(Signed) BECHER FLEMING,
a Magistrate for the County of Cork, Ireland.

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAMS TOWN, 21st October 1823.

SIR,—I regret extremely to report that a very heavy Rain which continued for Ten Days accompanied with violent Squalls of Wind has done great damage to the public buildings and private Houses in this Town and has destroyed the gardens and fences. I trust the crops in general have not suffered, altho' some have been entirely swept away, and the Habitations of many of the Settlers, placed in low situations and on the edges of Rivulets and Streams have been destroyed. Cattle and Sheep have died in great numbers.

This Calamity has caused much distress among the poorer Settlers, and I have received reports and representations of some families being destitute of Shelter and provision.

I have not been able to afford any relief or assistance to those who have made application further than by a trifling supply to sick women and Children of the Clothing and comforts which had been provided by His Excellency the Governor out of a small private Subscription raised in August 1822, and as I expect whenever the state of the Rivers and Roads will admit of communication to receive many applications for

Relief, I request you will submit the situation of these unfortunate persons to the benevolent consideration of His Excellency, by which I trust means will be devised and afforded of assisting and supporting them until they shall have been able to rebuild their Habitations and to reap their Crops. I have &c.

(Signed) HARRY RIVERS.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Albany.

COLONIAL OFFICE, 22nd October 1823.

SIR,—His Excellency the Governor having decided upon causing the titles to the lands claimed by the heads of parties to be forthwith prepared (the Commissariat Accounts against the Individuals having been received), I am instructed to acquaint you that the mode His Excellency has deemed it right to adopt has been to confirm the full extent of Grant to such Heads of Parties as have been reported by you to be industrious on their respective Locations, notwithstanding the dispersion of most of the individuals belonging to such parties, and that consequently full grants according to Mr. Knobel's Survey will be forthwith prepared for all those Heads of Parties whose names are in the accompanying List No. 1, but with respect to those Heads of Parties whose names are found in the enclosed List No. 2, His Excellency is not of opinion that they have fulfilled the terms upon which they proceeded to the Albany District, and he is therefore not disposed to grant to them the Lands upon which they have been located to the extent which has been measured for them, your Report in May last having been very unfavorable in their regard. His Excellency in consequence refers these claims to your discretion, and he calls upon you to state what proportion you recommend should be granted to those Heads of Parties or to the persons remaining upon them under the circumstance of each case and considering the number left upon these allotments respectively. In these cases a remeasurement will be requisite, which you will please to cause forthwith to be effected and diagrams to be

transmitted to me in order that this measure may be completed without loss of time. In regard to the two or three individuals of Mr. Baillie's party who are favorably spoken of in your report, His Excellency desires that separate admeasurements of such quantity of land as you shall deem advisable shall be made out for them, which he will then confirm to them.

With respect to the Allotments of Mr. Daniels, Mr. Ford, Mr. W. Howard, Mr. C. Hymen, and Mr. Thornhill, His Excellency has desired me to remark that their industry appears to him to be deserving of further encouragement, and that it is his desire that such further indulgence may be afforded to these parties as can conveniently be so, by additional grants of land being made to them. It appears to His Excellency that the allotments intended for W. Clarke, W. Cock, and W. Holder's parties should be divided amongst the remaining adults whose exertions are favorably reported on in your return of May before alluded to, but on this His Excellency will require your sentiments in an early communication.

No individual remaining according to your report on the allotments intended for Thomas Erith and Mr. Menzies, His Excellency desires you will be pleased to suggest the most beneficial mode of disposing of them, and, with regard to Mr. Thomas Willson's titles, I am to inform you that the circumstance of that individual having abandoned his party altogether having been reported to Earl Bathurst, the issue of titles to that allotment to the Revd. Mr. Boardman has been suggested, and Mr. Boardman's industry and that of his party have been favorably noticed to His Lordship, but this must wait His Lordship's decision.

It is not stated what the man's name is who is left on Mr. Perkin's location, but it is His Excellency's intention to confirm to that man the whole of the land intended for that party.

The quit rent which will be affixed to the lands granted under this measure will be at the rate of four skillings for each hundred acres, which rent is similar in amount to the old payment on loan leases by the old colonists, that is thirty six dollars per year for three thousand Morgen. I have &c.

(Signed) C. BIRD.

[Original.]

*Letter from MR. WILLIAM PARKER to R. WILMOT
HORTON, ESQRE.*

22nd October 1823.

SIR,—On a careful examination with a legal friend of my important documents connected with the very grave charges that I have made against Colonel Bird, who is alone responsible for his unconstitutional and illegal conduct, I find that I omitted deposing to the strongest facts illustrative of the conspiracy, *now abundantly proved by me*, in which the Colonial Secretary had progressed to undermine the Protestant Religion. I therefore beg leave to submit to Lord Bathurst's consideration an additional affidavit corroborative of this most important circumstance, and which cannot fail, supported as it is by the *Colonial Gazette* and the Court Calendar of the Cape, *both official authorities*, having due weight not only with the Noble Secretary but with His Majesty's Cabinet, for when considered in the serious light it ought to be, it must prove an effectual bar to the further growth of Popery in His Majesty's Dominions.

I have &c.

(Signed) WM. PARKER.

[Copy.]

Deposition of MR. WILLIAM PARKER.

County of Cork. William Parker of Passage West in this County came before me Becher Fleming Esquire, One of His Majesty's Justices of the Peace for said County, and voluntarily maketh Oath that with reference to his Affidavit sworn before me on the 20th Instant that he omitted stating the important fact that Roman Catholics through the direct influence of Lieut. Colonel Christopher Bird, the Colonial Secretary at the Cape, were appointed Landdrosts of Districts, Political Commissioners of the Reformed Churches, and Presidents of the Matrimonial Courts, and that this system of placing those

Interests which to Protestants are above all others valuable under the tender mercy and controul of Papists *particularly of the Jesuit School* cannot be too much exposed or reprobated as being directly fraught with danger of exterminating the Reformed Religion, the avowed object for which the Society of Jesuits was formed by Pope Paul 3d, and that when Deponent was extending his enquiries into the state of Religion in the Colony he was most forcibly struck with an expression attributed to the Lord Bishop of London on the 16 April 1821 in the House of Lords, "that in the Colonies remote from Domestic Controul the Religion of the State stands in need of the countenance of a fostering and friendly Government, could it be supposed that from a Roman Catholic Government the Protestant Religion would receive that countenance. He sincerely believed that the measure of admitting Roman Catholics into power would tend to great mischief if it did not prove altogether fatal to the Interests of the Colonies." This opinion coming in such forcible language from a Prelate, who is the Ordinary of the Old British Colonies, stimulated Deponent to persevere, and on his arrival in London he had the honor of a conference on this very important subject with the Lord Bishop of Chester and the Lord Bishop of St. Davids, the Lords Kenyon and Colchester, when their Lordships were unanimously of opinion that the proceedings of the Colonial Secretary at the Cape were subversive of the Interests of the reformed Religion and that the Lord Bishop of Chester had admitted that what his Lordship was reported as having stated in the House of Lords on the 16th April 1821, "that Popery was the hotbed of Slavery and despotism," was literally true.

Now in full confirmation of the assertion of the Right Rev. Prelate Deponent maketh Oath that he has Letters in his possession from two respectable Settlers in the Zuureveld, or Albany, describing Captain Charles Trappes, then on the full pay of the 72 Regiment, as being a Papist, who was the Provisional Magistrate of Bathurst, and that he was once a Lieutenant Colonel in the Portuguese service, from which he was dismissed for Tyranny and oppression. And Deponent further saith, that the fact of Captain Trappes being a Papist was admitted to Deponent by several Officers of his Regiment now at Guernsey and Jersey, and that moreover he was

educated along with Col. Bird at Stoneyhurst, near Preston, a Jesuitical Institution of *dire* import to the Protestant Interest, and that a young man named Whitham educated at the same place along with Col. Bird's son afterwards arrived in the Colony from Stoneyhurst, where the latter as Deponent is informed was circulating Dallas's Defence of the Jesuits among the Military.

And Deponent saith that a Major Jones a friend of Sir Rufane Shawe Donkin the Acting Governor was made by him Landdrost of Albany, President of the Matrimonial Court and Political Commissioner of the reformed Churches in the District, and that said Major Jones as Deponent was informed by Letter from Albany was a reputed Roman Catholic, which fact was afterwards confirmed to Deponent by Lord Charles Somerset on his return to the Cape, who informed Deponent that the Earl Bathurst having had a cognizance of the same did not confirm Major Jones's appointment but allowed His Excellency to nominate Mr. Henry Rivers to that Office, as appears by the Cape Town *Gazette*. But Deponent thinks it necessary to admit that Major Jones altho' a Roman Catholic was very popular among the Settlers whose hard fate he commiserated and alleviated, but most strange to say, that notwithstanding the dismissal of Major Jones, which was so consonant to Law and the usage of the Colonies, the Cape Town *Gazette* in 1822 announces the appointment of Charles Trappes Esqr. to be Landdrost of the extensive District of Tulbagh, President of the Matrimonial Courts and oh ! shame be on the Protectors of the Protestant Religion, Political Commissioner of the *Reformed Churches* of Tulbagh, Worcester and Clanwilliam. And Deponent states that on seeing Captain Trappes thus Gazetted he waited on Lord Charles Somerset and informed His Excellency of the fact of Captain Trappes being a Papist altho' Major Jones' appointment, as His Excellency stated, was not confirmed from Lord Bathurst's cognizance of his Political disqualification.

And Deponent saith that the appointment of Captain Trappes and Major Jones, *they being both Papists*, were not the only solitary instances of the Subversion of the old usage of the Protestant Settlement of South Africa where Popery was held in hereditary abhorrence by the Inhabitants, most of

whom descended from the illustrious Martyrs of Papal Persecution, but that previous to these appointments, when Mr. Buisinne the Brother in Law of Colonel Bird was advanced to the Bench and made Receiver General of Land Revenues, a gentleman under the tutelage of Col. Bird, and as Deponent was informed the son of a *Jesuit Priest* at Cape Town, was made Landdrost of Zwellendam, the Political Commissioner of the Reformed Churches, &c., and this appointment, like that of Captn. Trappes, as admitted to Deponent by Lord Charles Somerset, was entirely effected by the influence of Col. Bird. Deponent *does not say* that the Landdrost of Zwellendam is a Papist, *but he does say* that if his Father was a Jesuit Priest, for the Jesuits by the constitution of their Order and their Secreta Monita are allowed to put on the forms of Proteus and the colours of the chameleon, and that moreover all Oaths however solemnly taken are of none effect when their performance militates against the Interests of Papal Domination, there is the most circumstantial and historical evidence of the existence of a conspiracy hatched by Colonel Bird for supplanting Protestantism by Popery.

And Deponent further saith there is no Church at Cape Town for the numerous English Protestant Inhabitants who are solely indebted to the Dutch Calvinists for the use of their Church, where the Service is performed in Dutch, a language unknown to the greatest portion of the English Settlers, and that on Deponent's enquiring into the cause he found that repeated applications were made by the English Civilians, and through the Colonial Chaplain, the Rev. Doctor Jones, with offers of large subscriptions, but that the Government never countenanced the plan, altho' at the same time the Dutch Lutheran Communion erected a handsome Church at their own expence, and during the rule of Sir Rufane Donkin in 1820, ground and a large sum were given by the Government for the erection of a Roman Catholic Chapel, the Priest being endowed with an annual Salary and made Librarian of the Public Library originally founded by a zealous Protestant and attached to the Reformed Church, and most strange to say some of the Official authorities at the same time were appointed by advertizement in the *Gazette* to receive subscriptions for the promotion of what the wisdom of our Ancestors most abhorred,

Popery and its Despotism, and no measures whatsoever were adopted for the advancement of the dearest interests of Protestant Britons.

(Signed) WM. PARKER.

Sworn before me this 22nd day of October 1823.

(Signed) BECHER FLEMING.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 23rd October 1823.

SIR,—With reference to my letter of the 7th July last, I have the honor, in consequence of the great anxiety and importunity of the Applicants, to request you will furnish me with the instructions of His Excellency the Governor as to the inspection and measurement of the Lands therein alluded to.

I have the honor also, in consequence of the daily applications made by the English Settlers relative to the grants of the Lands on which they have been located, to repeat my request of the 7th July last to be furnished with the directions of His Excellency on that subject. I have &c.

(Signed) HARRY RIVERS.

[Copy.]

Letter from LORD CHARLES SOMERSET to ARCHDEACON BLOMFIELD, D.D.

CAPE OF GOOD HOPE, October 28th 1823.

MY DEAR SIR,—I feel confident that I need not apologise for claiming your assistance when I inform you that I ask for it, and do a great Public good.

This Settlement has attained a degree of improvement and consideration which render it necessary to provide the means of superior Classical Education for the sons of its inhabitants ; I have applied to my Lord Bathurst for authority to appropriate

Funds for the Salary of a Master and for providing him with a house and a School, but the difficulty is the procuring a Gentleman in every way competent to be placed at the head of such an Establishment ; and as I know no man so well qualified as yourself to select such an one, or to judge of the merits and various qualifications necessary for so important an undertaking, I take the Liberty to request you will endeavour to find a Gentleman so gifted, and submit his name to Lord Bathurst who, as you will perceive by my Dispatch to his Lordship (a copy of which I enclose) is prepared to expect your recommendation. The art of instructing is as you know one of the rarest man possesses. It requires a Temper, a Patience, a Discernment, and a Self Command which scarcely any other occupation calls for, and the most erudite Scholar may perhaps be the most unfit to impart his learning to the youthful mind. You will also be aware my dear Sir, how irretrievably fatal to the great object I have in view the appointment of a Person not duly qualified would be. I ought to apologise for thus expatiating upon what will at once occur to your mind. I will only therefore add that the Gentleman must be a Clergyman, and a warm Supporter of the Established Church of England, and enclose a calculation of the Probable receipts and Expenditure of the Situation. The Profits will depend however mainly upon the Merits of the Master. If he is such a man as I have no doubt you will select, his profits may be *very large indeed* when he is known, as he would catch numbers of the sons of Gentlemen in the East India Service who are now compelled to send their sons to Europe for Education, and as this place is one of great resort to East Indians whose health has been impaired by Climate they would unquestionably prefer sending their Sons here, where they might occasionally visit them, and renovate at the same time their own health without relinquishing (as then necessitated to do if they return to Europe) their Situations in the Company's Service. Believe me, &c.

(Signed) CHARLES HENRY SOMERSET.

Be so good as to address any letter to me under cover to Lord Fitzroy Somerset, Pall Mall, who will forward your letters to me.

[Enclosure in the above.]

Estimate of Profits that may be calculated upon to arise to the Master of the intended Classical School at the Cape of Good Hope.

Salary from Government to the Rector	
Gymnasius to be increased from 1600	
Rixdollars to	Rds . 4,000
15 Boarders at Rds. 70 per mensem each .	10,500
30 Day boys on the Foundation, at Rds. 15	
each	5,400
10 Young Gentlemen from India at £100	
Sterling or Rds. 1300 per annum each .	13,000
	<hr/>
	Rds. 32,900

It is presumed that the numbers are greatly underrated, and that if the School acquires Fame from the competency of the Master more than double the number of Boarders may be calculated upon.

The Master will have a House and School provided by Government.

Estimate of Expenditure.

Housekeeping at Rixdollars 1000 per mensem	Rds. 12,000
5 Servants, 3 Male and 2 Female, at Rds. 25 per	
mensem	1,500
Second Usher (if required) to be paid by the	
Rector Gymnasius	1,000
	<hr/>
	Rds. 14,500

Profits as above Rds. 32,900

Expenditure . 14,500

Surplus Rds. 18,400 or £1415 7s. 6d. per annum.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 29th October 1823.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Dispatch dated 4th January last, desiring that models of the various weights and measures in use at the Cape of Good Hope may be transmitted to your Lordship, and I beg to acquaint your Lordship that I have caused two Sets of the Weights and Measures in use here to be procured and packed up in a case directed to your Lordship, which case I have put on board His Majesty's Ship *Jupiter*. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 29th October 1823.

MY LORD,—The increasing population at this place calls aloud for the means of good Classical Education upon a plan consistent with the circumstances of the Community. Your Lordship did me the honor, when I was in England, of meeting my wishes relative to the Establishment of Schools in the several chief Towns of the respective Districts in this Colony, and the grateful feelings with which those Establishments have been hailed speak in the plainest terms the value which parents set upon the ordinary means of Instruction.

The Establishment of Schools for Slave Children by my Proclamation of the 18th March last is another striking proof how acceptable Instruction is to all classes, when I inform your Lordship that in Cape Town alone there are at this moment 1551 Slave Children receiving Instruction, and that the Schools in the Country Districts have been already filled in proportion.

What I have now to solicit is your Lordship's authority to establish a Public School for Classical Learning, under such advantages and emolument from the Colonial Government as

shall induce a Clergyman of the *Established Church of England* (this I think very material here) and of first rate abilities for instruction, to undertake the task. I am aware, my Lord, how rare the talent of instructing is, and the appointment of one wanting in that peculiar quality would be fatal to the measure (however respectable and unexceptionable his character might be, or however gifted by nature in other respects with superior Intellect). I have therefore with the view to save your Lordship trouble, and with a conviction that it is a sure means of obtaining a thoroughly qualified person, written to the Revd. Dr. Blomfield to find a person entirely competent and to have the honor of submitting his name to your Lordship, and I trust your Lordship will receive Dr. Blomfield's recommendation favourably. Dr. Blomfield stands pre-eminent for his talent of Instructing, he is well known to the Bishop of London, and is the Gentleman to whom Lord Liverpool presented about two years ago (solely for his merit) the valuable Living of Bishopsgate without.

The Salary of the Master I should propose to be four thousand Rixdollars per annum, including the Rector Gymnasius, which is one thousand six hundred Rixdollars per annum, and which Salary would thereby be saved to the Public, with an assistant at two thousand Rixdollars and a House and Schoolroom provided for him, he would be at liberty to make his own terms (subject to the approbation of the Governor for the time being) for a limited number of Boarders, and should also receive a certain moderate stipend under the same control from each pupil not being a Boarder.

The Establishment of a Grammar School of this nature is rendered the more imperative here, as there are not more than four or five families in the Colony who possess the means of sending their sons to Europe for Education, those who have done so (generally at an expense too they could ill afford) have in some instances been ill repaid by their Sons having acquired little more than a propensity for European Luxuries and Dress. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 29th October 1823.

MY LORD,—In obedience to your Lordship's commands contained in your Dispatch of the 15th March last, I have the honor to transmit to your Lordship an Estimate of the Expence incurred in the late augmentation of the Cape Corps, amounting to Rds. 46,616, the amount of the respective Commissions to be received is £18,285 Sterling, which at the present Exchange amounts to Rds. 252,180 5, leaving a balance of about Rds. 205,564 5, the Interest of which it is intended to apply annually towards the expence of the Corps. From the future annual Expenditure of which is also to be deducted Sixty Infantry reduced on the augmentation of the Cavalry.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

Estimate of the Expence of the augmentation of a Squadron of Colonial Cavalry recruited at the Cape of Good Hope, 25th March 1823.

Bounty of 72 Recruits at Rds. 20 each . . .	Rds. 1,440
132 Horses purchased at Rds. 200 each . . .	26,400
134 Saddles and Bridles complete at Rds. 64 . . .	8,576
Clothing 72 Men at Rds. 50 per man . . .	3,600
132 Cloaks at Rds. 50 each . . .	6,600
	<hr/>
	Rds. 46,616

[Original.]

Letter from the COMMISSIONERS OF INQUIRY to EARL BATHURST.

CAPE TOWN, 29th October 1823.

MY LORD,—We avail ourselves of the earliest opportunity of acquainting your Lordship that in consequence of the wish expressed by you that we should take into our early con-

sideration a memorial of certain of the Emigrant British Settlers in the district of Albany, and report our opinion thereupon, we have resolved to proceed thither on the 14th of next month, under a firm persuasion that nothing short of an inquiry upon the spot will enable us to ascertain the truth of the statements that the memorial contains, or to lay before your Lordship our opinion of the real condition of the Settlers or the causes of their distress. In the last dispatch that we did ourselves the honor of addressing to your Lordship, we expressed our intention of visiting the Albany District in our way to the Mauritius. We were not however at that time apprized of the delay that was to take place in the repair of His Majesty's Ship *Espiegle*, the only Ship of War left upon this Station by Commodore Nourse, and by which our departure from hence for Algoa Bay is necessarily postponed till the 12th or 14th of next month. It was at first agreed between ourselves and Captain Chapman commanding H.M. Ship *Espiegle*, that after landing us at Algoa Bay, he should keep his ship at sea until our inquiries in the Frontier districts should be terminated, and that we should then re-embark for the Mauritius. We learnt however at the same time from Captain Chapman that in consequence of the strong South-East winds that prevail at this time of year the resort of ships to that part of the coast would in the month of November be very dangerous, and that as we could not expect to re-embark from Algoa Bay until the middle or end of December, the season in which hurricanes prevail at and in the neighbourhood of Mauritius would then be too far advanced to make it adviseable for us to risk the safety of one of His Majesty's Ships of War by approaching it. Influenced by these considerations, and as it appeared to us that the object that we had understood to have guided the primary destination of the Commission to Mauritius had lost much of its urgency in consequence of the unfortunate death of the Commissary of Justice Mr. Smith, we have come to a determination of returning by land from the Frontier districts to this place, and of continuing our inquiries until the whole shall have been brought to a conclusion. We trust that your Lordship will be convinced that in making this determination we have been solely guided by a wish to give effect to your Lordship's views, as well with respect to the object of our visit to

the Frontier of this Colony as to the more expeditious and satisfactory completion of the general inquiry in those of Mauritius and Ceylon.

We beg leave to add that in compliance with that part of your Lordship's dispatch which enjoins an unreserved communication with the Governor upon the subject of the Settlers' Memorial, His Excellency has readily acquiesced in our request to obtain information respecting the policy that has dictated the measure, and has appointed a very early day for a conference with us. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Copy.]

Memorandum by the Inspector of Lands and Woods.

Memorandum on his Excellency the Governor's final decision respecting the Allotment of the Locations to the Settlers in the Albany District, determining in what manner the Grants in perpetuity are to be made out for them.

On the 15th Instant the Inspector of Lands and Woods took the liberty of communicating to His Majesty's Commissioners of Inquiry that by an order of His Excellency it was intended that it should be left entirely at the discretion of the Landdrost Mr. Rivers to decide whether the Settlers should retain the whole of their *original* locations or not, to be regulated by the degree of industry displayed by them, of which the Landdrost was thence also to be the sole judge. This order was directed to be carried into effect forthwith, and to be sent off, if practicable, by the next day's post. This proved impossible, there not being time sufficient to copy the several Commissariat Accounts against the different heads of parties, the correctness of which was required to be certified by them previous to the making out of such grants as Mr. Rivers should sanction.

During the interval between the two post days, His Excellency has so far altered the mode directed to be pursued in this measure, that instead of the Landdrost being enabled to

revise the original report on the state of the locations of May last, by the discretional power first intended he should exercise, which report there is too much reason for believing stands greatly in need of such revision, His Excellency has now made that report the ground of his decision for the final distribution of lands to them. Accordingly two lists are transmitted to the Landdrost, No. 1 containing 32 numbers who have the full extent of their locations confirmed to them, No. 2 containing 16 numbers are left at the discretion of the Landdrost to determine what portion of their Locations shall be retained by them, and he is directed according to his decision in that respect to cause the Locations to be remeasured and the Diagrams to be sent to the Colonial Office.

W. Clark's, W. Cock's, and W. Holder's Locations are to be divided among the remaining adults whose exertions have been favorably reported upon by the Landdrost.

Thomas Erith's and Mr. Menzies' Locations, according to the same report, having no one left on their respective Locations, the Landdrost is to suggest how the Land had best be disposed of.

Mr. Baillie's party. The two or three individuals the Landdrost has favorably spoken of, such proportion of the Land as the Landdrost shall deem advisable is to be separately measured for each of them, of which the grants will then accordingly be confirmed to them.

Mr. Perkens', to the individual alluded to in the report, but whose name is not there expressed, is to be confirmed the whole of the land intended for that party.

Mr. Thos. Wilson having abandoned his party altogether, which has been reported to Earl Bathurst, the issue of titles to that allotment to the Revd. W. Boardman has been suggested, and Mr. Boardman's industry and that of his party have been favorably noticed to His Lordship, but this case must await His Lordship's decision.

This then completes the number of 56, the Landdrost's printed report of May last contains.

Besides the foregoing instructions, the Landdrost was farther directed, with respect to the allotment of Mr. Daniels, Mr. Ford, Mr. W. Howard, Mr. C. Hyman, and Mr. Thornhill, that as their industry appears to His Excellency to be deserving

of farther encouragement, it is His Excellency's desire that such further indulgence may be afforded to these parties as can conveniently be so done, by additional grants of Land being made to them.

Thus it appears that among all the Settlers there are but *five parties* who, in the Landdrost's opinion, thus received and acted upon, have entitled themselves to this favorable consideration, while the most favored of the others seem, according to the same report, to have deserved only to be left as they were without any prospect or means of future improvement being held out to them. May it then not be asked, has Mr. Rivers duly weighed the many and appalling difficulties these unfortunate people have had to contend with, and should not these decisions respecting them have been preceded by a more minute investigation of their circumstances, while their sufferings of various kinds, expressed by groans both loud and deep, cannot but have reached His Excellency's ears in different ways?

The Inspector hopes his thus expressing himself, to require no apology, for it is impossible not to feel, and to feel deeply too, for these unfortunate and woefully disappointed persons, whose situation, taken in all its bearings, is most deplorable indeed.

(Signed) CHAS. D'ESCURY,
Inspector of Lands and Woods.

INSPECTOR OF LANDS AND WOODS OFFICE,
30th October 1823.

The perpetual quit rent to be affixed to the lands to be granted to the Settlers was directed by Earl Bathurst not to exceed in any case two pounds sterling for every 100 acres. His Excellency has ordered it to be at the rate of 4 skillings for every 100 acres, making it similar in amount to the recognition formerly paid on the Old Annual Loan Leases. This adds little to the Revenue, while it perpetuates one of the great defects of the Loan Tenure, namely that whatever the description of the Land, good, bad, or indifferent, the rate serves for all alike.

List No. 1.

Alexander Biggar, Miles Bowker, Samuel Bradshaw,
Thomas Butler, Frederick Carlisle, Charles Dalgairns, Lieu-

tenant Daniels, John Dixon, George Dyason, Edward Ford, Edward Gardner, James Greathead, Richard Hayhurst, William Howard, Charles Hyman, Samuel James, Thomas Mahony, John Manby, Charles Mouncey, Nottingham Party, Thomas Philips, George Pigot, James Richardson, William Scanlan, George Southey, John Stanley, — Stubbs, Christopher Thornhill, and Jonathan Wainwright.

List No. 2.

Arthur Barker, Thomas Brown, C. C. Campbell, David Francis, Joseph Latham, Samuel Liversage, Daniel Mills, Nathaniel Morgan, John Morton, Samuel Osler, Thomas Rowles, George Scott, Edward Turvey, and William Wait.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 4th November 1823.

MY LORD,—I have the Honour to acquaint your Lordship that in pursuance of the arrangement sanctioned by your Lordship in your dispatch No. 47 dated 15th November 1822 I have commenced drawing on the Lords Commissioners of His Majesty's Treasury on account of the sum of £125,000 Sterling, which you therein informed me I have their Lordships' authority to draw on the Treasury. The Sum I have this day drawn amounts to £15,097 10s. 7d. Sterling, the details of which I shall have the honor to communicate to the proper department, and I shall continue to draw such further sums as the necessities of the Colony, of the nature of those to which I called your Lordship's attention, shall imperatively require.

I had buoyed myself up with the Hope that I should have been able to struggle thro' the many Calamities which the violence of the seasons had brought upon the Colony, or at least have had to avail myself of only a proportion of the above mentioned Sum, but I have lately received accounts of such accumulated distress occasioned by storms and floods in the

Albany and Graaff Reinet districts that I am apprehensive that I shall have occasion for the full amount of what the British Government had so generously allotted to relieve our misfortunes under these distressing circumstances.

Your Lordship may rely on my taking the strictest precaution in the issue of this sum to secure the regular payment of the rate of interest at which it is advanced. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Copy.]

Statement of J. S. THERON to the COMMISSIONERS OF INQUIRY.

CAPE TOWN, 13th November 1823.

Johannes Stephanus Theron, Veld Cornet of Worcester District, living in Cold Bokkeveld, objects to the removal of the Drostdy from Tulbagh to Worcester, on account of the great inconvenience and danger that attends the journey from Cold Bokkeveld to the Drostdy of Worcester, a distance of 10 hours on horseback. He always travelled to Cape Town from the Cold Bokkeveld by the Tulbagh Kloof, there being no other road, unless by making a great Circuit. The Tulbagh Kloof is not very bad. The Witzenberg Kloof is the ordinary Route from the Bokkeveld, but there is another called the Mosterd's Hoek. The Tulbagh Kloof however must be afterwards passed. The two former are bad passes, but they are obliged to use them, having no others.

The Inhabitants of the Bokkeveld will never pass by the French Hoek to Cape Town, it would be twice the distance.

Declarant lived in the Bokkeveld when the Drostdy at Tulbagh was built. He was very young then. He believes that his father supplied waggons for the Building. The Road from Cold Bokkeveld to Worcester is over the Hex River, it is very bad and crosses that River 4 or 5 times. Very often in the winter time the River is inundated.

Declarant possesses a place in the Bokkeveld, and in consequence of repeated bad seasons he has lost money by it. It is a cattle place, and he grows a little corn, which he has lost by

the rust and by dry Seasons. He has never been able to pay the Government Duty on the Transfer of the place, altho' he bought it three years ago. He says that the Transfer Duty is trebled. He gave 32,000 Guilders for his Estate, and paid 18,000 down, which he borrowed of a Farmer ; the remainder is upon Interest.

(Signed) J. S. THERON.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to MR. THOMAS HEATLIE.

CAPE TOWN, 14th November 1823.

SIR,—We duly received the letter which you were induced to address to us under date the 11th inst., and as the subject of it is one that concerns you personally we have given it an early and attentive consideration.

In recurring to the circumstances attending your late examination before us, it was not necessary that you should have taken such an opportunity of informing us of the unsolicited manner in which you came before us as a witness. The occasion that led to your appearance has not escaped our recollection, and will be duly considered in the estimate that we shall have to form of the motives which brought you forward.

In referring to your original statement made to us of the particulars of your own case, you appear to have been rightly impressed in considering that our object in receiving your communications was a prospective and public one, and while prepared to pursue it, we reserved to ourselves to consider how far it might be necessary to extend the inquiry upon particular parts of your evidence in relation to objects of general utility, as well as to postpone it in favor of others which then (and have since) pressed upon our attention.

After this admitted understanding, if in the prosecution of our duty observations of a mere personal nature were obtruded upon us, if through any act of your own or of others, intentional

or inadvertent disclosures may have taken place of evidence that was not recorded, and if calumnies founded upon a perversion of that which was recorded, have been circulated in this Community, it cannot surprise you that we should consider ourselves as little responsible for the consequences of such an act as we are incapable of committing or of sanctioning it.

The contradictory nature of the testimony that we received on this subject you had yourself an opportunity of witnessing, and if in our subsequent endeavours to vindicate the character of our proceedings the result was alike inconclusive, it is a matter that alone rested with ourselves, for we cannot admit that a person who by his acknowledged want of caution had drawn upon us so irksome an investigation is the just object for our consideration, still less that he is entitled to question either the time or the mode that we may have chosen for the pursuit of it. We undoubtedly are most anxious to prevent every person who addresses himself to us from becoming an object of public or of personal animadversion, and no means consistent with the attainment of truth shall be spared to give effect to such an object, both in justice to the individual, and in support of the great public views which it is our primary object to attain. In what manner we may have discharged ourselves of this duty will be judged of by those to whom we are accountable, and we notice the comments which you have taken the liberty to make upon this point merely for the purpose of observing to you that we know of nothing that is so much calculated to compromise the public interests in the result of our mission as the recurrence of such wilful or unadvised acts on the part of witnesses who may come before us.

We feel it unnecessary to disavow our privity in any measure of persecution of which you have to complain, and we repel the insinuation of our being the selected instruments of the hostility of any individual however elevated in rank or distinguished in station. We are ever ready to receive the just and temperate representations of individuals, who may suffer under the operation of local institutions, but we take this opportunity of stating to you, that we never will silently allow the purposes of this Commission to be perverted for the gratification of private views, or to be made the pretext for public calumny, nor can we afford any sanction to the avowed omission

of those outward forms of respect, which are at all times due towards His Majesty's Representative in this Colony.

With respect to the last request contained in your letter, it is hardly necessary to inform you, that we shall feel it our duty to continue the investigation of some of the subjects of your complaints, in conformity to the principle that we have already adverted to, and we feel obliged to you for naming the persons from whom we may expect to receive information.

As Mr. Stoll is now on the spot, and as you are desirous of being present when he is examined respecting the oppressive operation of the Commando, we have no objection to your attending on Monday next at 11 o'clock, as it is probably the last day on which we shall have an opportunity of taking his evidence prior to our departure from Cape Town.

As to what regards the return of copies of the papers you may have delivered in to us, we beg to inform you, that we possess no other original document of yours than memoranda for the information of Mr. Henry Cloete without signature, which shall be returned to you, but we feel ourselves precluded from delivering any statements or copies of documents, upon which our proceedings are founded. We have &c.

(Signed) JOHN THOMAS BIGGE,
WM. M. G. COLEBROOKE.

[Original.]

Letter from LIEUTENANT T. C. WHITE *to the* COMMISSIONERS
OF INQUIRY.

CAPE TOWN, *November 14th* 1823.

GENTLEMEN,—Although my case has been already pretty fully detailed to you, partly in writing and partly in verbal communications, during the several interviews with which you have honored me, yet I think it expedient to solicit once more your attention to it in the following plain connected statement, when I hope to place it before you distinctly in all its bearings, and by that means enable you to comprehend in

one view the various grievances I complain of and the nature of the redress which I respectfully solicit.

I brought to the Colony in April 1820 a party of Settlers consisting of Eleven men, Four Women, and Ten Children, and immediately proceeded by direction of the Colonial Government to the Zonder-End River at the distance of about 70 miles from Cape Town. Having inspected the Land on which it was proposed to locate the Party, I returned to Cape Town and reported at the Colonial Office its inadequacy to the maintenance of my people. Mr. Buissinne arrived about two months afterwards at the Location, in order to make a division of the land and to separate the Parties which had continued to occupy the same spot ever since their arrival. There were four Parties, composed, I believe, of about 55 labouring men, and including Women and Children not less than 100 persons. It was agreed by the Heads of Parties that they could not remain there with the smallest prospect of success, and, indeed, Mr. Buissinne assisted by the District Surveyor was unable to point out more than two spots on which it was even possible to establish the Parties.

On the 25th of July, being about 3 months after our arrival in the Colony, it was proposed in a Circular Letter to the Heads of Parties at the Zonder-End River to remove them to the Zuurveld, to which I acceded, explaining at the same time that I had been under the necessity of allowing some of my people to engage with the neighbouring Farmers. On the receipt of the Circular Letter 8 months' wages were due to the party, and I had been chargeable with their maintenance during the whole time of our continuance at the Zonder-End river, there being no Commissariat establishment in that neighbourhood.

The Government having thus failed in its part of the contract which I had entered into with it in England, and that failure having placed me under the necessity of reducing the number of my Party, I conceive that what subsequently occurred, namely my removal to the Zuurveld, and the occupation there of a much larger grant than I was in the first instance entitled to, to be perfectly independent of the original conditions, and, consequently, that my Title to the land cannot now be affected by them. It was, besides, quite clear that the

Government in allotting lands at the rate of 100 acres for each male adult, had so greatly overrated the capabilities of the soil, that an adherence to the original agreement could not fail to prove ruinous to the director whose party should be composed of indentured Servants. In my own case, an expense of at least 12,000 Rixdollars would have been incurred to procure a title to 1,200 acres of Land not worth more than 6 or 700 Rixdollars.

In October 1820 I took possession of the land assigned to me in the Albany District, and having remained about 6 months upon it, during which time I built one of the largest houses in the Settlement, and enclosed a garden of about $1\frac{1}{2}$ acre with an earth wall, I left it under the management of a person whom I conceived equal to the charge, in order to commence a Military Survey which I had been invited to make by Sir Rufane Donkin, the Acting Governor. The following extract from Major Holloway's Letter communicating His Excellency's wishes on the subject of the survey will, I conceive, preclude the possibility of supposing that my claims for Land were abandoned on acceding to His Excellency's proposition : " It is just for me to observe that in consequence of the absolute necessity of practising the utmost economy, His Excellency, in fixing on the principle and amount of remuneration to those concerned in the Survey, has only had in view the bare payment of their travelling expenses." But whilst actually engaged in the Survey, and when His Excellency was in the new settlement, I represented to him, by Memorial, that my grant was too limited, and requested an extension of it.

That application was made to His Excellency upon the following considerations :

The number of my Party entitled me to no more than 1,200 acres, an extent which a few months' experience had proved to be quite insufficient. The Boors have seldom less than 4000, and frequently 6000 acres (what is called a full place contains 6000 acres). My farm, therefore, was not more than $\frac{1}{5}$ of what is usually given to a Boor, who has no other claim on the Government than what arises from the circumstance of his Father's house being too small to accommodate his family any longer, or from the pasturage being insufficient for two herds of cattle ; with such a claim the Boor finds no

difficulty in obtaining as much land as is deemed sufficient for the maintenance of 60 Englishmen.

Farms of the usual size were still given to the Dutch inhabitants, from which it was to be presumed that with regard to them they were not considered too large; and I was convinced that less would be useless to me.

In the Zuurveld it is calculated that each head of cattle requires at least 20 acres for its support through the year.

Most of the Farmers in the distant Districts are obliged to give their attention exclusively to the breeding of cattle, because, even with their large Farms, they cannot afford to keep more servants than are required to guard the cattle, they cannot in general cultivate as much land as would supply their families with bread corn. In such cases their food must consist wholly of butcher's meat and milk, and should the Farms be of insufficient extent, as is the case with the Settlers, to afford pasturage for the Herds large enough to meet the demand for those articles, it is clear that they cannot have within themselves any security against starvation. In calculating what quantity of land is actually required for the above purpose, it must be recollected that unless the flocks and herds are permitted to increase in favorable years the Farmer will not be in a condition to bear the losses to which he is exposed by long continued drought or wet seasons, when the cattle perish in considerable numbers. The cattle are, besides, subject to various diseases which prevent their rapid increase. The taxes too are to be provided for, and should clothing and most of those things which are now ranked among the necessities of life be required, there must be a considerable yearly increase beyond the actual consumption on the Farm.

The Zuurveld is generally known to be unfavourable to agricultural pursuits, but even though it were otherwise, to grow more corn than would be consumed on the spot could not fail to be attended with loss to the grower. In Cape Town wheat has latterly been sold for less than 100 Rixdollars per load of 10 muids, and the carriage alone of a muid of wheat from Graham's Town to Port Elizabeth, whence it must be sent for embarkation, costs 4 dollars; the other expenses which would be incurred previous to its arrival in the Cape market, and the charge for free labour to which the English settler is

restricted, would certainly make a balance against him. Barley and oats are of much less value, whilst the charge for carriage is nearly the same.

These things considered, it will not, I think, appear that the grants usually made to the Boors are too large for the English Settlers: it might on the contrary be contended that they are too small, for in some parts of the country one farm is found insufficient, and some holders of two and even three farms possess but little more than the necessities of life.

I do not presume to accuse the Colonial Government of indifference to the fate of the Settlers at any time, but I feel myself called upon to state that it was certainly in its power to have alleviated their sufferings, and to have prevented the great pecuniary losses which many have sustained, by merely placing them on a footing with the Boors with respect to their Farms. With a Farm of the usual extent the English Settler, even the poorest, might have procured from the Bank by way of mortgage a sum sufficient for the purchase of as much stock as would at once secure him against starvation, and have saved him from the painful necessity of drawing his daily food from the public stores, to say nothing of the heavy charge which would have been saved to the public. The Labourers who came to the Colony as the indentured Servants of the Heads of Parties would have gladly accepted their discharge with permission to find employment in the older and more flourishing Districts, and the Heads of Parties themselves would have avoided much of the expense which they have incurred in consequence of keeping more Servants than their Farms required, but which was necessary to preserve their titles to the land. At a time when it was considered necessary by the Government to afford pecuniary assistance to the Farmer, the English Settler was debarred from all participation, because he was not in possession of a proper title to his Farm.

It may here be proper to observe that at the date of my application to Sir Rufane Donkin, my expenses, in consequence of the emigration, amounted to no less a sum than 3,500 Rix-dollars, being more, I believe, than the extended Location would produce at public auction; but I felt satisfied, because it was impossible to doubt His Excellency's disposition to do all in his power to improve our condition.

Sir Rufane Donkin having visited the Settlement for the purpose (as was generally understood) of enlarging the Grants, extended mine as I had requested. His instructions to the Colonial Secretary, on the back of my memorial, are as follows : "To be complied with and to have priority." (It was explained to His Excellency that as I was then absent in the service of Government, and consequently prevented from attending to my private affairs, some neighbouring Farm might be enlarged so as to interfere with the proposed extension of mine.)

His Excellency having consented to extend my Location to the size of a full place, I was induced to keep possession of it, and to employ upon it at considerable expense the greater part of the people who accompanied me from England.

It is almost needless to add that nothing but that extension had prevented me from abandoning the Location, and I confess that His Excellency the Acting Governor's compliance with my request appeared so like an act of simple justice, that I made no effort to obtain an indisputable title to the additional grant previous to the return of Lord Charles Somerset to the Colony. Nor did I make any application to His Lordship until the 6th of October 1822, and only then in consequence of Mr. Knobel, the District Surveyor, having confined his admeasurement to the original grant of 1,200 acres. In my Memorial I requested His Lordship to confirm Sir Rufane Donkin's promise and permit the measurement to take place as soon as the occupations of the Landdrost would admit of its being done. I repeated my application to His Lordship on the 11th of December, as I did not receive his reply to my first Letter until May 1823. His Lordship's answer on both occasions was : "It cannot be complied with." No reason having been assigned by His Lordship for the rejection of the prayer of my memorial, I found myself under the necessity of proceeding to Cape Town, with the intention of returning to England should I fail in my endeavours to obtain from His Lordship a more favourable decision. I had the honor of several interviews with His Lordship, and conceiving that I had succeeded in convincing him of the reasonableness of my request, I returned to the Albany District for the purpose of being present at the admeasurement of the additional grant. His Lordship had promised previous to my leaving Cape Town that an immediate

communication should be made to the Landdrost on the subject of my application ; and Colonel Bird had also the kindness to promise that His Lordship's instructions should be sent down by the first Post.

Mr. Rivers, the Landdrost, on whom I waited immediately on my arrival at Graham's Town, told me that he had received no communication on the subject. I, in consequence, wrote to Colonel Bird reminding him of his promise, and received with his reply a copy of the correspondence that had taken place with Mr. Rivers.

Previous to the receipt of Colonel Bird's letter Mr. Rivers had informed me that he had then received a communication on the subject of my memorial, but of a nature very different to that which I had given him reason to expect, as my application had been rejected. At my request Mr. Rivers afterwards made the communication in writing, as follows : " I have the honor to inform you that the reply of His Excellency the Governor to your Memorial of the 11th December last, is, that His Excellency is under the necessity of rejecting the prayer of the petition."

Mr. Rivers not having made the slightest allusion to the Report with which he had furnished His Lordship in consequence of the promised communication from the Colonial Office having been made to him, and conceiving that His Lordship in the conversations at the different interviews with which he honored me, had pledged himself to direct the ad-measurement of the additional grant, it was impossible that I could attribute an intimation so very unexpected to any other cause than a mistake, and I therefore addressed His Lordship, reminding him of his promise on the faith of which I had returned to my Farm. It was after having written that Letter that I received a copy of Mr. Rivers' report to His Lordship from Colonel Bird, and conceiving that His Lordship's favourable decision had been revoked in consequence of that report, I explained in a Letter to the Colonial Secretary that the Landdrost's representation was incorrect in every particular. He stated that I had not resided on, or cultivated the Location originally intended for me, whereas I had never ceased to reside on my Location except when employed in surveying for the Government, and I had persevered in cultivating the land

every year, notwithstanding the seasons had been most unfavourable. I stated at the same time that my house had been burned to the ground, and that I had sustained other serious losses in consequence of my absence in the service of Government, and it will be readily conceived that less work would be performed by the servants, and that the various stores which are unavoidably much exposed in a new settlement would be considerably diminished during my absence.

The above statement may be considered as containing all those circumstances which immediately affect my claim for land, and upon which I complain of unjust and injurious treatment by His Excellency the Governor; for although His Lordship was offended and thought fit to impute to me the most dishonourable motives, because I reminded him of a promise which I firmly believed he had made to me, that circumstance could have no influence on His Lordship's decision, as the Landdrost's communication acquainting me "that His Excellency was under the necessity of rejecting the prayer of my petition," is of prior date to the Letter in which I reminded His Lordship of his promise. That I might have been mistaken as to His Lordship's intention I admitted without the slightest hesitation, and I have only contended that His Lordship ought not to refuse me the credit which I conceive I have a right to claim when I state merely what was the actual impression (however erroneous) produced on my mind by his Lordship's expressions. But as His Lordship has accused me in terms the most injurious of misrepresenting him, without there being in my humble judgment one circumstance to warrant the supposition of a wilful misrepresentation, but that on the contrary there are strong probabilities in favor of the purity of my intentions, I beg leave to offer the following statement for your consideration :

My Memorial to his Lordship prays for a confirmation of the promise made to me by the late Acting Governor, and for permission to the Landdrost to proceed to the admeasurement of the additional grant. That promise being made when His Excellency was actually in the District in which my Farm is situated, I conceived that it would appear to His Lordship that no local objection existed; and as the Memorial differed very materially from a first application for a grant of land, it

was to be presumed that His Lordship's decision would be applicable to it, and therefore mean something more than the usual reply to an ordinary application. It is, besides, the usual practice of the Landdrosts when a Memorial for land is referred to them, to proceed, accompanied by the proper official persons to the spot for which application is made, and there ascertain whether there is any objection to it. I had therefore a right to expect that that at least would have been the course pursued by Mr. Rivers; but that Gentleman has never yet thought proper to visit my Location, notwithstanding he did not hesitate to report upon it, with a view to deprive me (judging by his extreme inaccuracy) of even the Location to which my agreement with the Government at home had given me, as I conceived, an indisputable title. But even were it usual for the Landdrost to decide in the first instance on the claims by which the application for land is supported, it was, I conceive, a very natural presumption that His Lordship taking it for granted that Sir Rufane Donkin had not decided on my Memorial until the proper report had been made by the Landdrost, intended now to refer it to the local Magistrate with a view to his compliance with the request therein made.

In these respects my application differed from a simple request for a grant of land, but there were other reasons for considering His Lordship's answer as a favorable and final decision on the prayer of my Memorial. At the first interview with which His Lordship honored me, he observed that my application had been refused because he disapproved of my correspondence with Major Holloway, and on my explaining the circumstances which made some of my letters appear objectionable, His Lordship expressed himself, I conceived, very distinctly to the following effect, "that if I could explain myself to the satisfaction of Major Holloway my request would be complied with."

I then made Major Holloway acquainted with the conditional promise made to me by His Lordship, and requested he would inform me what circumstances His Lordship had alluded to as objectionable in my correspondence with him. After some conversation it was agreed that Major Holloway should state in writing all that he conceived to require explanation, and that my answers should be added on the same paper. Major

Holloway afterwards sent such a paper with a Letter dated the 8th of April 1823 in which he observes that it is for the purpose of bringing the matters stated therein to a "speedy and final issue." It was afterwards, Major Holloway informed me, submitted to His Lordship, to whom it was quite satisfactory. I then conceived that His Lordship's promise, though conditional in the first instance, was now that the condition had been fulfilled on my part, pledged for the performance of what I had requested in my Memorial. When therefore His Lordship afterwards told me that my Memorial should be referred to the Local Magistrate, such was my conviction that His Lordship had given his final decision, that I took the liberty of mentioning to him that I had been a long time in Cape Town and was extremely desirous to return to the country, and therefore begged his Lordship would have the goodness to allow the instructions to be sent down as early as possible. His Lordship said it should be done by the first Post. I then waited on Colonel Bird, to whom I stated what had just passed in the Governor's office, and requested he would have the kindness to make the promised communication to the Landdrost with as little delay as possible. He said he should see His Excellency in a few minutes, and that it should be sent by to-morrow's Post. I then left Cape Town, which certainly would not have been the case had I imagined that my Memorial was still subject to the decision of Mr. Rivers, who knew nothing of my claims on the Government, and of whose disposition to create difficulties it was impossible to doubt.

These circumstances were afterwards stated to His Lordship, in the expectation that he would have done me the justice to admit that he now considered as a mere mistake what had appeared to him in the first instance a wilful misrepresentation. The explanation has not produced any change in His Lordship's opinion; on the contrary, His Lordship has since declared that his final decision has been given. That determination on the part of His Lordship compels me to relinquish my intention of forming a permanent residence in the Colony, notwithstanding I have expended, with a view to its accomplishment, no less a sum than £700 Sterling, and that the greater part of the time which I have passed in the Colony, nearly 3½ years, has been given to the service of the public.

I have already had the honor to lay before you the whole of my correspondence with the Colonial Government on the subject of my claim for a grant of land ; and it was my desire to have submitted at the same time a copy of Major Holloway's observations relative to the survey,—of his Report to the Governor on the paper of observations being returned to him,—and of His Excellency's remarks thereupon ; but I was unable to procure them. I have therefore to request that you will have the goodness to call for them, and I beg to observe that should further information on the subject of the Survey be required, in consequence of the extraordinary language in which some of His Lordship's communications have been made, and which I trust will call for your particular notice, that it may be found in my correspondence with His Excellency the Governor and with Major Holloway, and which with your permission I will then lay before you.

It is not my intention to impute improper motives to His Lordship, or even to hazard a conjecture as to the views by which he is influenced with respect to the Settlers generally or towards me in particular, but it is an undoubted fact that His Lordship has but rarely approved of, and confirmed, the measures of the late Acting Governor in favor of the Settlers, and it is here mentioned, I trust with perfect propriety, as promising to prove of importance in the Enquiry which I most anxiously hope will now be instituted. I have &c.

(Signed) T. C. WHITE.

[Copy.]

Letter from the Fiscal to the Commissioners of Enquiry.

FISCAL'S OFFICE, 18th November 1823.

GENTLEMEN,—In dutiful compliance with your request conveyed to me in your letter of the 15th Inst. to furnish you with Copies of or reference to those laws of the Colony by which Public Meetings of the Inhabitants are prohibited, and by which all Inhabitants are bound to report themselves to the Landdrost of the District within Six Weeks after their arrival

therein, if above the age of 16 years, with a view to their being enrolled in the class of those able to bear arms, and by which such persons are bound to appear whenever called upon to assist in the defence of the Country; I have the honor on the subject of the prohibition of unauthorized Meetings to refer to the Roman Laws in so far as Assemblies for the discussion of Public Matters unless authorized and approved of by Government have been therein prohibited as will be known to you from the Pandects of Justinian Lib. 47. The said Laws having been introduced in subsidium in the late United Netherlands, and with regard to the definition of crimes, though not the punishment thereof, having been universally admitted by the Law of the Land.

The Inhabitants of this Colony never, to my knowledge, have been allowed to deviate from the principle established by the Roman Laws in this respect; and altho' during the Political Dissensions which have for a time divided the Inhabitants of the late United Netherlands, Clandestine Meetings may have been held among Inhabitants for the discussion of Public Matters, such Meetings never have been connived at or tolerated.

On the 19th February 1800, it was enacted by a Proclamation of Sir George Yonge, then Governor, that no Club or Society should be suffered to hold any meeting without the previous sanction and approbation of Government. This prohibition was renewed by the late Batavian Government on the 28th July 1803, and subsequently on the 29th of August 1804; and lately on the 24th May 1822 the convocation of an unauthorized meeting for the discussion of Public Matters has afforded an opportunity to His Excellency the Governor more explicitly than has been done by the preceding Laws to prohibit all unauthorized Meetings for the discussion of Public Measures and Political Subjects.

Among the Laws of this Colony which I have traced, whereby all Inhabitants are bound to report themselves if above the age of 16 years, with the view of their being enrolled in the Class of those able to bear Arms, and whereby such persons are bound to appear whenever called upon to assist in the defence of the Country principally deserve to be noticed the Publication of the late Governor Zwellengrebel of the 21st March 1741, the

Regulations for the discipline of the Cape Militia formed under the Government of General Janssens on the 15th October 1804, whereof the 3rd Clause specifies that all Burghers who have completed the age of 16 years are obliged to enrol themselves in the Militia (*Gewapende Burgerwagt*), the Ordinance for the Government of the Country Districts promulgated on the 24th October 1805, whereof the 29th, 231st, 232nd, 233rd, and 234th Clauses have defined the power of the Landdrosts, and the subordinate power of the Field Cornets to assemble Commandos of Inhabitants for the defence of the Country, especially against the native inhabitants of the surrounding Countries; and lately the Proclamation of the 4th October 1822 whereby a general enrolment and arming of the Inhabitants of the Albany District has been ordered.

Not having been able to trace any Law of this Colony by which all Inhabitants are bound to report themselves to the Landdrost of the District within Six Weeks after their arrival therein if above the age of 16 years, I only beg leave to refer to the Proclamation of the Earl of Macartney of the 14th February 1798, renewed on the 24th August 1810, requiring the Inhabitants in case of removal from one District to another in order to settle there, to take out the usual Certificates from the Magistrates of the District in which they intend to settle, in order to be there registered, as also from the Field Cornet of his circuit.

Independent of the enactments of the Laws already cited, the names and number of all male inhabitants above the age of 16 years is annually ascertained by the means of what is called the *Opgaaf*, or annual Return of the Inhabitants.

The extracted Copies and Translations intended to be annexed of the Proclamation of the 19th February 1800, the 14th July 1803, the 29th August 1804, and further of the 21st March 1741, the 15th October 1804, the 24th November 1805, and the 24th February 1798, not being finished, I will do myself the honor to send the same with the least possible delay; those not to be annexed may be found in the printed Collection made by the Assistant Colonial Secretary, Mr. P. G. Brink.

I have &c.

(Signed) D. DENYSSEN, Fiscal.

[Copy.]

*Letter from the Colonial Secretary to the Landdrost
of Albany.*

COLONIAL OFFICE, 20th November 1823.

SIR,—With reference to my Letter of the 22nd Ultimo respecting the Titles to the Lands claimed by the several heads of Parties of Settlers, I am directed by His Excellency the Governor to transmit to you the accompanying 29 Titles as per enclosed List. These Titles are to be delivered to the several Persons for whom they have been prepared upon their respectively signing their accounts with the Commissariat, in order that the balance due by them to His Majesty's Government may be therefrom accurately ascertained. You will observe that it is not His Excellency's intention that Titles shall be delivered to those who do not sign their Accounts. Authenticated Copies of the Commissariat Accounts are transmitted herewith for the purpose of your procuring the required Signatures, and you will be so good as to return them when they shall have been so signed. I have &c.

(Signed) C. BIRD.

[Enclosure in the above.]

List of Titles. Messrs. Alexander Biggar, Miles Bowker, Samuel Richardson, John Carlisle, Charles Dalgairns, John Dixon, George Dyason, Edward Ford, Edward Gardner, James Greathead, Richard Hayhurst, William Howard, Charles Hyman, Samuel James, Thomas Mahony, John Mandy, Charles Mouncey, Thomas Phillips, George Pigot, James Richardson, William Scanlen, Hezekiah Sephton, George Smith, William Smith, George Southey, John Stanley, Christopher Thornhill, John Wainwright, and the Nottingham Party.

[Original.]

*Letter from MR. WILLIAM PARKER to R. WILMOT-
HORTON, ESQRE.*

PASSAGE WEST, 21st November 1823.

SIR,—I have had the honour to receive your Letter of the 11th Instant, and I admit my having received the letters of the 13th and 17th September and 6th of October 1819, to which you refer, and copies of which were enclosed in your communication.

It is most fortunate for me that the documents in my possession enable me to support the very important Affidavits that I have made, or I should incur the risk of being charged with a crime repugnant to my feelings and that sense of moral rectitude from which amidst numerous misfortunes thank God I never deviated.

I am enabled to prove by the enclosed copies of letters, that my allegations were *not* “founded entirely upon misapprehensions,” and that in regard to me there is an instance, which I hope is singular, of the Colonial Department nullifying the Royal wishes and disregarding a promise which Mr. Goulburn acting for Lord Bathurst had so scrupulously engaged to fulfil.

But as my noble and zealous Protestant friend Lord Kenyon has influenced me to have a favorable opinion of my Lord Bathurst’s devotion to the Established Religion of England, I am disposed to think that the Noble Secretary for the Colonies will ultimately applaud the firmness of my conduct and my perseverance in unmasking Jesuitism in all its shapes and which has caused His Lordship to be subject to many “misapprehensions.”

Experienced as I am in the vicissitudes of life, well acquainted with the World, and having the most extensive and highly respectable acquaintances, it was natural for me to avail myself of their kindness prior to my embarkation for the Cape. The friendship entertained for me by the present Lord Listowel enabled me to interest the kind and generous feelings of our most gracious Sovereign in my behalf, a Sovereign whose revered and illustrious Father, the Father of his People, had not only honored a near branch of my family with his Royal

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Persevering as I do in substantiating my charges and borne out as my allegations are by incontrovertible facts, I hope that the Earl Bathurst will at once perceive, that so far from my claims for redress "being entirely founded upon misapprehensions," that they are founded on the vantage ground of truth which cannot be undermined.

I do agree with you that under the circumstance attending His Majesty's most gracious disposition towards me *totally disregarded*, it would be utterly useless to transmit my Affidavits to the Commissioners, who it appears would not be able to trace any clue at the Cape to satisfy them as to Mr. Goulburn's compliance with His Majesty's wishes, which he had promised Sir Benjamin Bloomfield should be scrupulously attended to.

The latter part of the Earl of Listowel's letter of the first December 1819 contains a passage which is almost prophetic, for I am sure that his Lordship, nor myself had not the remotest idea, that I should have been the humble instrument of unravelling a conspiracy hatched by the Colonial Secretary at the Cape for the subversion of the Protestant Religion and which my devotion to the best interests of His Majesty and attachment to the British Constitution enabled me to effect.

It appears to me that by Lord Bathurst erroneously imagining that I had misapprehended the facts respecting His Majesty's gracious intentions towards me, did not consider it necessary to notice my other obligations, but as this letter displays *prima facie* incontrovertible evidence of facts, I must respectfully beg leave to call his Lordship's prompt attention to the whole of my Affidavits.

Should I still continue to be so unfortunate as not to elicit his Lordship's favourable consideration, the only alternative left to me is to submit to the King, the manner I have been treated, and the contempt shown by Mr. Goulburn to his Royal commands, and to bring the deep wound inflicted on the Reformed Religion at the Cape before the cognizance of the House of Lords next Session of Parliament. I have &c.

(Signed) WM. PARKER.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, 22nd November 1823.

MY LORD,—With reference to my dispatch No. 72 of 20th July last enclosing Copies of the instructions which had been addressed by His Majesty's Command to the Governors of the West India Islands in consequence of certain resolutions which were unanimously adopted in the House of Commons with respect to Slavery, I now do myself the honor to transmit a Copy of a dispatch enclosing the form of a Proclamation which it has been deemed advisable to substitute for that form of Proclamation which was transmitted in one of the dispatches of the above Series.

I also enclose a Copy of a letter which Mr. Wilmot Horton has by my desire addressed to the Governors of the West India Islands. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LORD CHARLES SOMERSET *to* EARL BATHURST.

CAPE OF GOOD HOPE, 24th November 1823.

MY LORD,—It gives me deep concern to have to report to your Lordship that the Receiver General of Land Revenue in this Government, Mr. P. S. Buissinne, has been detected by the Auditor in embezzling the Public Money by not bringing to account various sums which he had received, a statement of which I have the honor herewith to enclose, amounting to nearly 44,000 Rixdollars. Security was taken on his appointment to this Office to the amount of 20,000 Rixdollars and there is an expectation that a further sum will arise from the Sale of his Effects, but it is to be feared that the Public will eventually lose considerably.

Although this is the first instance of peculation in this Government during the 10 years I have had the honor to hold

it I cannot but feel deeply the Stigma which this man has cast upon it.

He had been in the service of this Government nearly 17 years. In February 1807 he was appointed Deputy Fiscal and Resident at Simons Town. On the 1st January 1810 Lord Caledon advanced him to the Landdrostship of Zwellendam. In March 1819 (in consequence of repeated representations to me that the situation of Zwellendam injured his own and his wife's health) I removed him (as he had received a professional Education) to a Seat in the Court of Justice, and in March 1820 Sir Rufane Donkin appointed him Receiver General of Land Revenue.

His Trial came on before two Commissioners of the Court of Justice, on the 7th inst., when he was sentenced to 3 years banishment without prejudice to his creditors. Lenient as this Sentence was, His Majesty's Fiscal (the *ratione officii* prosecutor) neglected to appeal from it to the full Court. The Prisoner however himself appealed and the trial came on before the full Court on the 20th Inst. I have the honor to transmit to your Lordship an Authentic Translation of the Sentence, which appears to me to be much more appropriate to the enormity of Mr. Buissinne's crime than the former one.

When the precise loss to the Public shall be ascertained I shall do myself the honor to apprize your Lordship of the amount. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 1 in the above.]

Statement of Deficiencies shewing a total of Rixdollars 43,958 5sks. 5sts.

[Enclosure 2 in the above.]

The Court having read and examined the Records of the Trial in the first Instance, having heard the Pleadings on both sides in appeal, and taken everything into consideration which deserved attention or could move the Court, administering justice in the name and on behalf of His Britannic Majesty, declares the Prisoner and Appellant guilty of embezzlement

of the Public money aggravated by Perjury, and therefore unworthy and incapable of ever serving in any Office under His Majesty's Government; condemns the Prisoner and Appellant to be banished from this Colony and the Dependencies thereof for the term of Seven successive years, on pain of more severe punishment should he return within that period; declares that the banishment shall not be carried into effect till after the Prisoner's estate shall have been liquidated by the Sequestrator and the Prisoner have rendered due account and vouchers of his administration as Receiver of Land Revenue and thereupon acquitted and discharged by Government, or in default thereof released by His Majesty's Government in some other legal manner from that obligation; orders that the Prisoner shall remain in close confinement till such time as he shall have complied therewith, and then confined at Robben Island or some other secure place till a fit opportunity shall offer for his being sent away, the day of the Prisoner's embarkation to be considered as the commencement of the term of his Banishment; with further condemnation of the Prisoner in the costs and expenses of the Prosecution; and setting aside the other Claim and Conclusion made by the R. O. Prosecutor, Respondent against the Prisoner; by which however it is not to be understood that anything has been decided in this case with respect to the Rights of the Prisoner's remaining Creditors against his Person and Property.

Thus done and decreed in the Court of Justice at the Cape of Good Hope on the 20th of November 1823, and pronounced on the same day.

(Signed) J. A. TRUTER,
W. HIDDINGH,
J. H. NEETHLING,
F. R. BRESLER,
J. C. FLECK,
RALPH ROGERSON.

In my presence.

(Signed) D. F. BERRANGÉ, Secretary.

[Original.]

*Letter from DR. ROSS AND OTHERS to R. WILMOT
HORTON, ESQRE.*

ABERDEEN, 25th November 1823.

SIR,—We, whose names are subscribed, having been requested by the Revd. Dr. Thom, with the approbation of His Excellency Lord Charles Somerset, to select and recommend to His Majesty's Government young men qualified, according to the Laws of the Church of Scotland, for filling the vacant Churches in the Colony of the Cape of Good Hope, beg leave hereby to recommend Mr. George Morgan, Student in Divinity, as, in our opinion, eminently qualified for such a charge. Mr. Morgan is a young man of very superior Talents and acquirements, of distinguished prudence, diligence and steadiness of Conduct, of genuine piety, enlightened zeal, and decided loyalty to Government. And we can with great confidence recommend him, as in every respect such a person, as, we humbly think, his Majesty's Government would wish to employ in that interesting Colony.

As Mr. Morgan has not yet obtained Licence, we are aware Earl Bathurst will not deem it expedient, at present, to appoint him formally to fill one of the vacant Churches in the Colony. We beg leave, however, to request you will have the goodness to submit this recommendation to his Lordship's notice. And we take the liberty to state farther, that we conceive it would tend not a little to accelerate Mr. Morgan's Preparation, if his Lordship should condescend to intimate to us the Probability of his being appointed, after he shall be licensed, which we expect will take place in the end of the year 1824, or at farthest in the beginning of the year 1825. Such an Intimation might enable Mr. M., who at present occupies the office of a Parochial Teacher in this Country, to make arrangements, which he might not otherwise deem expedient, relative to the Prosecution of his Theological Studies, and the acquisition of the Dutch Language in Holland. We are, Sir, &c.

(Signed) JAMES ROSS, D.D., Senior Minister of
Aberdeen.

ROBERT DOIG, One of the Ministers of
Aberdeen.

DAVID CRUDEN, D.D., Minister of Nigg.

JOHN TULLOCH, A.M., Professor of
Math. King's College.

JOHN MURRAY, A.M., Minister of
Trinity Chapel, Aberdeen.

JAMES BENTLEY, A.M., Professor of
Oriental Languages, King's Coll.,
Aberdeen.

ALEXR. THOM, A.M., Master of Rl.
Gordon Hospital, Aberdeen.

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

It having been ascertained that the Depredations which have for some time past been committed in the Albany District by the Caffres, have been greatly caused and encouraged by the illegal Traffick which certain Inhabitants of the said District have carried on with that People; and it having appeared from late Events, that the Punishment awarded to those who have been convicted of this illicit practice, has been insufficient to deter others from a like Offence :—It has become necessary, for the security of Life and Property in Albany, to enforce the utmost Rigour of the Law relative to intercourse with that Nation; and, that no one may plead Ignorance thereof, I hereby again make known, the Punishment which the existing Laws inflict upon such Offences,—and which, it will be my painful, but bounden duty, to carry into execution :—

By the Proclamation of Governor van Plettenberg, and Council, dated 5th April, 1774, Any one bartering with the Caffres, is declared to be a violator of the public Peace, and is punishable with Confiscation, corporal Punishment, or DEATH !—at the discretion of the Court.

By the Proclamation of Governor the Earl of Macartney, dated the 14th July, 1798,—All intercourse with the Caffres is prohibited; and passing the Boundary, (although not with intention to traffick,) without Licence, renders the Offender liable to corporal Punishment; which Proclamations and

Laws were renewed and confirmed by the Proclamation of the late Governor, Lord Howden, dated 2d of April, 1812.

In order to give the utmost publicity to the existing Laws,—I hereby direct the Landdrost of Albany, to give to the Proclamations herein before recited, the widest circulation, by furnishing Copies of this Notice to the Field Cornets of his District, for general distribution.

And, in order that no misunderstanding may arise from Ignorance of the Limits to which the BOUNDARY refers, in the Earl of Macartney's Proclamation of the 14th of July, 1798 ;—it is hereby made known, that such Boundary is "*The Great Fish River* ;" beyond which no one can pass, without a Licence, signed by the Landdrost of the Albany District, or the Commandant of the Troops on the Frontier.

God save the King !

Given under my Hand and Seal, at the Cape of Good Hope, this 28th day of November, 1823.

(Signed) C. H. SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

COLONIAL OFFICE, LONDON, 30th November 1823.

MY LORD,—I do myself the honor to transmit for Your Lordship's information the Copy of a Letter which has been addressed to this Department by desire of the Board of Ordnance, enclosing a Minute by the Master General on the Subject of certain Charges which it appears by Major Holloway's Communications to His Grace, it was Your Lordship's Intention should be brought against the Funds of that Board in order to defray the expence attending the erection of those Buildings in the Barracks at Graham's Town which are to be occupied by the Artillery, and by Departments under the Ordnance ; and I have to desire that Your Lordship would at your earliest convenience forward to Me a Report in Answer to the Observations contained in the Minute of His Grace the Duke of Wellington and that you would at the same

time state whether the Charge which the Erection of the Barracks at Graham's Town will occasion to the Colonial Treasury, will exceed the Sum specified in the Estimates which accompanied Sir Rufane Donkin's despatch of the 16th February 1820 in which the Expediency of undertaking the Works in question was brought under the Notice of His Majesty's Government. I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LIEUTENANT COLONEL BIRD.

MOSSEL BAY, 4th December 1823.

SIR,—We have the honor to request that you would inform us whether a Memorial to His Excellency the Governor from Peter John Dupreez was received at the Colonial Office in the months of March or April 1819, or two following months, praying for leave to emancipate two slaves of the late Hillgard Muller named Eva and November and the nature of the answer or reference that was made thereupon. We further request you will inform us whether a memorial to the same effect was transmitted by the said Dupreez to the Colonial Office on or about the month of March last, as also the answer or reference that was given upon it. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Original.]

Letter from the COMMISSIONERS OF ENQUIRY to EARL BATHURST.

GEORGE TOWN, CAPE OF GOOD HOPE, 6 December 1823.

MY LORD,—We do ourselves the honor of acknowledging the receipt of your Lordship's despatch under date the 20th July last, conveying your instructions, that we should inquire

and report to your Lordship without delay upon the subject of a charge made by Mr. D'Escury against His Excellency the Governor of having corruptly made a grant of land to Mr. Redelinghuys, in consideration of a sum of money amounting to 10,000 Rixdollars paid by Mr. Redelinghuys under colour and pretence of a sale of a horse.

We request in the first instance to express our regret, that any circumstances should intervene to prevent us from giving the most prompt effect to your Lordship's instructions, as well on account of the serious nature of the insinuation made by Mr. D'Escury against the integrity of Lord Charles Somerset, as in consideration of His Lordship's feelings, which must be harassed by the most painful suspense, until the falsehood of the charge shall be satisfactorily made out.

We have already had the honor of apprising your Lordship of the motives, by which we were induced to suspend our departure to Mauritius, and to undertake a journey to the Frontier of this Colony, with the view of enabling us to put your Lordship in possession without delay of our direct opinions of the Condition of the Emigrant Settlers, and in pursuance of this intention we have already proceeded half-way to Graham's Town. The reports that have been made to us from that quarter continue to represent the increase rather than the diminution of their sufferings owing to the failure of the crops, and which have recently been aggravated by a severe storm, by which their fields and many of their habitations have been destroyed. The depredations of the Caffres have also increased to so alarming an extent as to have induced the Colonial Government to declare war against them, and hostilities have already commenced.

Under all these circumstances we do not doubt, that your Lordship will approve of the determination we have formed to continue our journey. We shall naturally be disposed on every account to hasten our proceedings, and as we propose to return by sea in His Majesty's Ship *Espiegle*, we shall hope to arrive at Cape Town within a few days from the date of our departure from Algoa Bay.

The voluminous papers of Mr. D'Escury had been put into our hands by that gentleman soon after our arrival, but as other inquiries of a more urgent nature than the consideration of

grants and quit rents pressed upon our attention, we were induced to defer taking up the subject, until a short time previous to our departure from Cape Town, when our attention had been drawn to it by a recent visit to the Government Farms of the Groene Kloof. We then noticed for the first time the imputation made by Mr. D'Escury, and we had some conversation with him, the result of which relieved us from the impression, that any strong grounds existed, which would have made it incumbent on us to bring this charge to the immediate notice of your Lordship, and to request instructions in the event of its appearing to your Lordship proper that we should report upon it. Being informed also by Mr. D'Escury, that he had transmitted the papers to Mr. Wilmot Horton, we were induced to abstain from a full consideration of the subject of his communication, till we had an opportunity of applying to the subject the results of our personal observations, and of the experience we might acquire in the journey we were about to undertake through the Country. As however our attention has been thus seriously called to the subject, we deem it our duty to mention to your Lordship, that imputations of a similar nature had reached us from other quarters at an early period after our arrival. They were communicated in a desultory manner by a Mr. Heatlie, an English resident of the Colony, who (it seems) had in more than one instance made purchases of horses from Lord Charles Somerset. Considering that many of these transactions had no bearing upon the public and general objects of our inquiry, we declined entering upon them, but reserved to ourselves the future consideration of the grant of land to Mr. Redelinghuys and the widow Louw, as well as that of another complaint made by Mr. Heatlie. It appeared that Mr. Heatlie had 'long harboured resentment against Lord Charles Somerset for what appeared to him to be peculiar oppression in his Lordship in exacting his service on the Com-mando of 1819 in the war against the Caffres. To this subject we promised to direct our inquiries, and from what has hitherto transpired respecting it, we have reason to believe that instead of a disposition existing in Lord Charles Somerset to treat him with peculiar severity, it will be proved that there was manifested on the part of his Lordship towards Mr. Heatlie a strong wish to exempt him altogether from the service. On the second

day after Mr. Heatlie had been with us a report reached us that he had declared to several persons in Cape Town, that he had been with the Commissioners, and had given them information that would effectually blacken the Governor's character, making at the same time express allusion to the grant of land to the Widow Louw, and her purchase of a horse. Feeling that it was of the utmost importance to the objects of our Commission to prevent its being made a pretext for or a vehicle of personal rancour and abuse, and more especially against the Governor of the Colony, we instantly set on foot an inquiry from several persons into the precise terms that Mr. Heatlie had used, and finding on one occasion that the witnesses seemed to be regardless of the moral obligation of speaking the truth, we ventured on another, when several were examined, to administer oaths to them.

The result of the inquiry however not being so conclusive as to found upon it any legal proceedings we let the matter rest, intending to resume the consideration of Mr. Heatlie's complaints at a future and more convenient period. A few days before our departure from Cape Town Mr. Heatlie addressed a long statement to us, and in language both violent and disrespectful to ourselves complained of the mode of proceeding we had adopted, and urging the inquiry that he had suggested at first, respecting his compulsory service in the Commando, as well as certain other grievances he stated to have suffered, declared, that in case we refused to enter upon them, he should appeal forthwith to the English Press and to Parliament. We took an early opportunity of sending him an answer, and informed him of our intention to resume our inquiries immediately after our return from the interior.

We beg to apologise for trespassing so long upon your Lordship's attention with this detail, but we have thought it necessary to bring it before your Lordship both on account of its connection with the object of inquiry, that your Lordship has specially called upon us to make, and to put your Lordship in possession of the real motives, by which Mr. Heatlie has appeared to us to be actuated, in case he should venture to make the appeal with which he has threatened us.

In elucidation of the motives that may have influenced Mr. D'Escury in bringing forward the charge he has made against

Lord Charles Somerset, we think it right to call your Lordship's attention to an allusion in the papers submitted to us by that Gentleman, to a recent disappointment he alleged himself to have sustained in not being selected for an office, to which he expected to succeed under a promise from the Governor. He takes the same opportunity to complain of the appointment of an incompetent person as assistant in his Department.

We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

LONDON, 10th December 1823.

MY LORD,—The Right Honourable The Secretary at War having made application to this Department, requesting to know where Balances have been lodged which may have been due at the time of their demise to Soldiers belonging to the Cape Regiment ; I have to request Your Lordship would inform Me of the disposition made of Balances of the above description—and that you would at the same time state the amount of Sums accruing from such Sources which at present remain unclaimed. I have &c.

(Signed) BATHURST.

[Original.]

Letter from LIEUTENANT T. C. WHITE *to the* COMMISSIONERS
OF ENQUIRY.

CAPE TOWN, 11th December 1823.

GENTLEMEN,—In the statement which I did myself the honor to submit to you previous to your departure for the Albany District, I fear no very precise idea is conveyed of the conduct of the Landdrost on my arrival at Grahamstown. I beg leave, therefore, to add, that although Mr. Rivers denied

the receipt of a communication on the subject of my memorial, it appears from Colonel Bird's letter and its enclosures, that the promised communication had then not only been made to him, but that he had actually replied to it, and in the manner which I have already described. I have &c.

(Signed) T. C. WHITE.

[Enclosure 1 in the above.]

The Memorial of T. C. White to His Excellency Sir Rufane Shawe Donkin, K.C.B., &c., &c., Humbly Sheweth that your Memorialist came to this Settlement with ten persons, and has been located near Assegay Bush.

That your Memorialist finds the land which your Excellency has been pleased to assign to him too limited to graze the number of Cattle which he requires for agricultural and other purposes. Memorialist therefore prays your Excellency will be pleased to extend his location to a full place, there being a sufficiency of waste land adjoining his location for the purpose. And your Memorialist, &c., &c.

(Signed) T. C. WHITE.

ASSEGAY BUSH, *May 18th 1821.*

[Enclosure 2 in the above.]

GRAHAM'S TOWN, *14th May 1823.*

SIR,—In reply to your letter of the 2nd Inst. transmitting for my early report thereon, a copy of an application from Lt. T. C. White, Half Pay 79th Foot, dated 11th December last, praying that the promise made to him by the late Acting Governor for an extension of his location may be confirmed, I have the honor to state for the information of His Excellency the Governor, that I am not aware of any grounds upon which Mr. White may be entitled to a grant of land, as he has not resided on or cultivated the location originally intended for him, and I have consequently not considered Mr. White one of those persons for whom I was directed under your letter of the 17th December last to fill up a Return. I have &c.

(Signed) H. RIVERS, Landdrost.

To Lieut.-Col. Bird, Colonial Secretary.

[Enclosure 3 in the above.]

COLONIAL OFFICE, 5th June 1823.

Lieutenant T. C. White is acquainted in reply to his Memorial to His Excellency the Governor of the 11th December last, praying that the promise made to him by the late Acting Governor for an extension of his Location may be confirmed, that a reference having been made on the subject thereof to the Landdrost of the District, who has stated that he cannot recommend a compliance therewith, His Excellency is under the necessity of rejecting the prayer of the petition.

By His Excellency's Command.

(Signed) C. BIRD.

[Office Copy.]

Letter from EARL BATHURST to the COMMISSIONERS OF ENQUIRY.

COLONIAL OFFICE, LONDON, 12th December 1823.

GENTLEMEN,—His Majesty's Government having had under Consideration the difficulties with which the Inhabitants of Mauritius have to contend in disposing of their Surplus produce; and it appearing that a Duty of 12 per Cent is levied at the Cape of Good Hope upon the importation of articles the Growth of Mauritius, while a duty not exceeding 6 per Cent is imposed in the Latter Island upon the importation of Articles the produce of the former Settlement, I have to desire you would direct your attention to this Subject, and report to Me Your Opinion how far it would be expedient to rate the import duties upon Articles the Growth of these Colonies respectively upon a principle of Reciprocity, adopting at the Cape the duties at present imposed at Mauritius. I have &c.

(Signed) BATHURST.

[Original.]

Letter from the REVEREND DR. MANUEL *to* R. WILMOT
HORTON, ESQRE.

CHURCH STREET, STOKE NEWINGTON, *December 12th 1823.*

SIR,—I was honoured by the receipt of your letter this morning of the 10th instant, and beg to inform you, that I have been in regular correspondence with Doctor Campbell and Mr. Grey of Edinburgh, since I received directions from you to co-operate with these Gentlemen, with a view to the selection of a well qualified Minister for the Cape of Good Hope.

About a month ago they had not been successful in their efforts towards such a selection, but had a young man in view, and hoped in the course of a few weeks to be able to recommend him to Earl Bathurst's notice. I am therefore every day in expectation of a final and favourable communication from them on this subject.

As Dr. Campbell and Mr. Grey have found considerable difficulties in their search for a person in every respect duly qualified and disposed to undertake such a charge, and lest they should not succeed, I have taken the liberty to send a Communication to Dr. McGill, Professor of Theology in the University of Glasgow, Dr. Lockhart, one of the Ministers of Glasgow, and Dr. Lowe, Minister of Anderson, merely requesting them to let me know if they are acquainted with any Preacher of the Church of Scotland who would be willing to go to the Cape, and whom they would consider as duly fitted for the situation. I hope also to hear from them in the course of a very short time. I trust you and Earl Bathurst will approve of these measures which I have adopted.

The same Post which brought your letter this morning, conveyed to me one also from James Bentley, Esquire, Professor of Oriental Languages in the University of Aberdeen, which, so far as it relates to the same subject, I beg leave to lay before you.

“*ABERDEEN, 3rd Dec. 1823.*

“*REV'D. DEAR SIR,—I intended to write to you several days ago in consequence of a Recommendation and Certificate late'y sent from this place to Mr. Wilmot, Secretary to Earl*

Bathurst, in favour of Mr. George Morgan, student in Divinity in the University here, who is desirous of going out to the Colony of the Cape of Good Hope, as Minister of one of the Established Churches there, but till now I have been prevented by various interferences. Mr. Morgan's certificate is signed by Dr. Cruden, of Nigg, Dr. Ross, Mr. Doig, and Mr. Murray, Ministers of Aberdeen, and Mr. Tulloch and myself of King's College. What is wanted for the young man is such a conditional promise from Lord Bathurst, as would justify to himself and friends, in relinquishing a Parochial School which he now holds, and going to Holland, in preparation for the Ministry at the Cape, before he has obtained License as a Preacher, in some such way as Mr. Colin Frazer did. It would seem to suffice, were he told from authority, that he would receive an Appointment when qualified, if there should be a vacancy, and if his Testimonials were judged satisfactory. Had he such encouragement, he would make a complete Session at the Divinity Hall this winter, and then immediately repair to Holland, from which he might return towards the end of 1824, obtain License and ordination, and be ready to go out to the Cape in the spring following; whereas were he only to give the partial attendance at the Hall which he intended to give, to enable him to retain his present situation, it must be a year or two longer before he could be prepared to sail for the Colony, were he accepted by Government. I can assure you that Mr. Morgan is likely to be an excellent and useful Minister of the Gospel, and am persuaded that, if you knew him, you would judge as favourably of him, as his acquaintances do in this Country. I have known him for some years, and have observed a progressive improvement in his character and acquirements. Now he appears eminently pious, zealous and intelligent; and withal prudent, judicious, modest and amiable. If you can have an opportunity of recommending him to Earl Bathurst, you will be serving the cause of religion, and promoting the wishes of a most deserving young man. Begging your forgiveness for so much trouble, I remain, &c.

(Signed) JAMES BENTLEY."

I have the honour &c.

(Signed) WM. MANUEL.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 16th December 1823.

MY LORD,—I lost no time on receipt of your Lordship's Dispatch of the 26th July 1822 in causing immediate steps to be taken for supplying the documents therein required for the information of the House of Commons, and I have now the honor to transmit the same to you herewith, viz.

Copies of all Laws and Regulations enacted by the Dutch Government for the protection, education and benefit of Slaves, and not repealed prior to this Colony's coming into the possession of His Majesty, with an Index to the same.

Copies of the Regulations which have been promulgated since the Proclamation of the 26th April 1816 establishing offices for the Enregistration of Slaves. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 16th December 1823.

MY LORD,—I beg to transmit to your Lordship the enclosed Copy of a Memorial from Mrs. Evans, the Widow of the late Minister of Cradock, praying that the pension to which she is entitled by the 33rd Article of the Church Regulations in force here may be increased, and I am induced to recommend the same to your Lordship's favorable consideration, in consequence of the strong representation made to me by the Widow herself, and upon my own conviction of the total inadequacy of her present allowance (which is not more than Rds. 360, under £30 Sterling per annum) to afford her the common necessaries of life. I therefore take the liberty to request that your Lordship will lend a willing ear to the Widow's application and to assent to my granting her a pension of Six

Hundred Rixdollars per annum, and that your Lordship will be pleased to communicate your approval thereof to the Auditor of Public Accounts. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

To His Excellency General Lord Charles Somerset,
Governor, &c., &c.

The Memorial of Dorothy Evans, Widow of the late Revd.
John Evans, Minister of the Dutch Reformed Church
at Cradock, humbly sheweth

That the Memorialist is left a Widow without any relations residing in the Colony or in England her native Country able to assist her.

That her late Husband discharged the duties of his Office both among Colonists and the Heathen for the space of about Six Years with much Prudence, zeal and public utility as can be testified by the Church Board.

That the property left by Mr. Evans is taxed at about Eight Thousand Rixdollars, according to the Laws of this Colony as he died without will the relatives of her late Husband are entitled to a part if they desire it.

That by the Church regulations formed under the Dutch Government in 1804 the Widow of a Clergyman is allowed 360 Rixdollars per year.

Your Excellency's Memorialist humbly prays therefore that the pension may be increased so that she may be able to live without being a burden to others and in the Station of a Widow of a respectable Minister who early in life was removed by Death from her and his charge.

And your Petitioner as in duty bound shall ever pray.

(Signed) DOROTHY EVANS.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 18th December 1823.

MY LORD,—The depredations of the Kaffers having for some time past become most daring, arising from the surreptitious and illicit traffick carried on with them by the Settlers and other causes to which it is not necessary to advert, I directed Major Somerset (the Senior Officer on the Frontier) with the whole of the Cavalry and 100 of the Infantry of the Cape Corps and 200 mounted Burghers from the Albany and Graaff Reinet Districts to enter Kaffraria, punish the Depredators and insist upon the restoration of the cattle stolen. This service was performed with a promptitude, ability and success that could not be exceeded. The attack was made at day light on the 5th instant and with such vigour and effect that very little resistance could be opposed.

The result has been most decisive, not only the Chief whose kraal was attacked (McGomo) but other Chiefs have solicited forgiveness in the most penitent terms, 7000 head of cattle were captured with which all cattle losses have been compensated, and the remainder were returned to the Kaffers by Major Somerset, after receiving their submission. So humbled and terror-struck were the Kaffers at this event, that I have no doubt that the Border will enjoy a long period of tranquillity, particularly under the System Major Somerset has pursued and purposes to continue of constantly beating the woody fastnesses.

The augmentation of the Cape Cavalry has already paid itself by the services rendered on the present occasion. Major Somerset speaks in the warmest terms of praise of the conduct and spirit of every Individual in this Enterprise, altho' the service was rendered very harassing by the extreme Heat of the weather, and from the force employed being 22 successive hours on Horseback without water.

I enclose a copy of the Landdrost's Report on this subject, and have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

GRAHAM'S TOWN, 9th December 1823.

SIR,—I have the utmost satisfaction in communicating to His Excellency the Governor the complete success of the attack on the Caffer Chief McGomo, whose Territory the Commando entered early on the morning of the 5th instant, and seized the Cattle found in the Kraals of which a distribution has been made to the Inhabitants of the Colony to the extent of their respective losses.

Every object of the Commando appears to have been accomplished, and with the forfeiture of the lives of fewer Caffers than could have been expected.

Major Somerset who is just returned will report the particulars to the Commander of the Forces, and I have the pleasure to state that he speaks in high terms of the spirit and conduct of the Burghers employed in aiding the Military on this occasion, and who in consequence of the great activity with which the service has been performed have returned to their homes after so short an absence that no losses or inconvenience can have accrued to them.

The terror and panic created thro' the whole Caffer nation by the imposing Force which has assembled in their Country for their punishment, have produced such humble and penitent assurances, particularly from McGomo, of abstinence from theft and incursion that I trust the Colonists will for some time be relieved from the depredations they have lately experienced, while the merciful forbearance which has been extended to these marauding savages will shew to them that although the power of instant and summary punishment exists the Government do not desire to exercise it unless they are faithless to their promises of desisting from plunder. I have &c.

(Signed) H. RIVERS.

Lieutenant Colonel Bird, Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 18th December 1823.

MY LORD,—I am happy to transmit to your Lordship a Report from the Harbour Master at the Kowie mouth, which proves that the Settlers are furnishing some Supplies for Export, and the Establishment I have effected at that Port will afford them at all times a ready market, and with this prospect before them and every expectation of no further disturbances from the Kaffers, as your Lordship will perceive by my Despatch of this date (No. 64) there is a reasonable expectation that the Industrious amongst them will after all succeed.

I grieve to say however that the blight has again visited their Corn so that they cannot anticipate more than a half Crop. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

RIVER KOWIE, 4th December 1823.

SIR,—I beg to report the sailing of the *Good Intent*, Coasting Schooner, Wm. Griffiths Master, this day at half past five A.M. bound for Table Bay with a full Cargo of sundry produce, as Hides, Fat, Butter, &c., purchased principally from the Settlers. I am &c.

(Signed) C. MACKAY.

C. Bird, Esqre., Colonial Secretary.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 18th December 1823.

MY LORD,—The Deputy Landdrost at Cradock in the District of Graaff Reinet, Mr. Harding, having represented to me that his health is materially impaired by the confinement necessary to the performance of the duties of his office, which

has brought on a spitting of blood and other symptoms of deep decline which are certified by a Medical Certificate which I have the honor to enclose, and having applied for leave to resign his Situation provided a small allowance can be made to him to assist his own means of retiring with his wife and family, I am induced to solicit your Lordship's leave to continue to Mr. Harding an allowance of One Thousand Rixdollars per annum which I have in the meantime thought it necessary to assign to him, and I beg that your Lordship will do me the favor to communicate your assent, if I am so fortunate as to receive it, to the Commissioners of Colonial Audit. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

W. W. Harding Esquire, late a Captain of His Majesty's Cape Regiment, and at present Deputy Landdrost of Cradock, joined the Cape Regiment in the year 1812. He was afflicted at the time with a pulmonic complaint, first originating, according to his statement, whilst serving in Egypt with the Troops under the command of Sir Ralph Abercromby, but greatly aggravated during his services in Spain; and especially unfavourable to his complaint proved the Expedition to the Island of Walcheren in the year 1809, when he nearly fell a sacrifice to the fever which raged amongst the Troops. During the period Captain Harding was serving in the Cape Regiment his complaint was nearly stationary; but since his appointment to his present situation the most alarming Symptoms have appeared, principally Haemoptysis, increased difficult respiration, and prostration of strength, which induces me most humbly to submit to the consideration of His Excellency the Governor the necessity of his retiring from the confined labours of his present Situation.

Cape of Good Hope, 8 December 1823.

(Signed) GEO. GLAESER, Surgeon Cape Regiment.

[Copy.]

Letter from the Colonial Secretary to the Commissioners of Enquiry.

COLONIAL OFFICE, 18th December 1823.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 4th instant, requesting to be informed whether a memorial to His Excellency the Governor from P. J. Dupreez was received at this office in the month of March or April 1819 or the two following Months, praying leave to emancipate two slaves of the late Hillgard Muller named Eva and September, and the nature of the answer or reference that was made thereupon &c^a. In reply to which, I beg leave to acquaint you that a Memorial (of which Enclosure No. 1 is a Copy) dated 15th March 1819 and presented by H. Muller junior for himself and on behalf of the aforesaid Du Preez as joint Executors of the Estate of the late Hillgard Muller Senior praying permission to manumit the slaves in question, was duly received at this office and laid before his Excellency the Governor on the 26th of April of that year, and the prayer thereof having been acceded to by His Excellency on the usual conditions the parties as well as the Slave Registry Office were apprized thereof on the same day, as you will see from the accompanying copies of papers marked No. 2 and 3.

With respect to the further Memorial to the same effect and to which you allude, I have to say, that on reference to the records of this office it does not appear that any such Memorial was transmitted by the said Du Preez. I have &c.

(Signed) C. BIRD.

[Copy.]

Letter from the Colonial Secretary to the Landdrost of Worcester.

COLONIAL OFFICE, 19th December 1823.

SIR,—Having laid before His Excellency the Governor your letter of the 9th Inst. with its several enclosures from the Deputy Landdrost of Clan William relative to the long

pending Case of the Hantam Mountain, I am now directed to acquaint you that His Excellency after a full consideration of the Claims of the proprietors of places in the vicinity of the Hantam Berg to the right of sending their horses to this place of refuge and Security during the periods of the Horse Sickness, has decided, *that the whole Summit of the Hantam Berg shall be for ever henceforward appropriated as commonage* to the Estates in that Sub-division, to which Commonage, the Inhabitants, Proprietors, shall have the right to send their Horses in proportion as will be hereinafter explained whenever the malady termed the Horse distemper shall be known to have broken out in that quarter. It will therefore be necessary that an Accurate Survey shall be forthwith made of the Mountain including its base and all the places in the Hantam Field Cornetcy; the Summit or Commonage must be particularly distinguished by permanent and substantial Landmarks, the quantity of Horse Stock each place is capable of maintaining must be certified by the local Magistrate, in order that a due apportionment of the right to send such stock to the Hantam Berg shall be distinctly ascertained. The Common must be placed under the particular charge of the local Magistrate and the Field Cornet of the district, and some public Measures must be adopted for cleaning the few Springs this Summit affords, so that the greatest quantity of water shall be collected and as little waste take place as possible. Local regulations also must be made with respect to burning the surface Grass at proper periods, and also for preventing any Individuals from sending to this Commonage at any period of the year either Cattle, Sheep, or Goats under severe penalties, it being the intention hereof to confine the right of Grazing to Horse Stock entirely. It will also be requisite that some strict regulations be made for preventing irregularities from Stallions being permitted to range this Hill. Notice must be given at the earliest period to Mr. Redelinghuis in order that his Stock may be withdrawn from the Mountain, and it only occurs to add that the expense of Survey &c. should be borne by the Field Cornetcy generally in proportions calculated according to the advantage each place will derive from this decision. I have &c.

(Signed) C. BIRD.

2 H 2

[Copy.]

Proclamation by LORD CHARLES SOMERSET.

Whereas by a Proclamation, dated the 8th of August 1822, I made known the circumstances under which I deemed it expedient to cause a sum of 200,000 rixdollars to be prepared and issued, through His Majesty's receiver-general, for the immediate relief of a proportion of those persons who had suffered by the storms and floods of the winter of that year, under an injunction to the receiver-general aforesaid to cause a like amount of paper currency to be publicly burned and destroyed as soon thereafter as the measures I was then about to take for the relief of the sufferers generally should be matured: And whereas there is now in the hands of the receiver-general aforesaid a sum of 200,000 rixdollars applicable to this object;

These are therefore to require and direct that D. Denyssen, Esq., His Majesty's fiscal, W. Hewetson, Esq. assistant commissary-general, together with two members of the court of justice, and two members of the burgher senate to be appointed by the court and senate, do meet at the office of revenue on Wednesday next the 24th instant, at ten o'clock, and that they do, then and there, receive from J. W. Stoll, Esq. His Majesty's receiver-general, the above-mentioned sum of 200,000 rixdollars, and after examining the same, that they do, in their presence, cause the same to be publicly burned and destroyed; and in case the examination of the several pieces of money which constitute the above sum of 200,000 rixdollars cannot be concluded in one day, they are then and in that case to adjourn, and proceed therein as shall appear best to them, but so as to finish and conclude in the shortest time possible. And it is further directed that the several persons above mentioned do sign three certificates of their proceedings herein in the English and Dutch languages, to be drawn up and prepared by Mr. C. M. Zastron, clerk in the colonial secretary's office, (assisted by the sworn translator to the government), under the direction of the fiscal, two of which certificates are to be delivered to J. W. Stoll, Esq. as his discharge of the sum of 200,000 rixdollars, with which he now stands charged to

His Majesty, and the other is to be lodged in the records of the court of justice by the fiscal and the members thereunto belonging at the next meeting, after the signing as above directed.

And His Majesty's fiscal is hereby also directed to require and demand of the court of justice, within fourteen days after the lodging of such certificate above mentioned, that they do pass a public act, under their hand and seal of the court, certifying and declaring all their proceedings which have taken place with regard to the stamping and signing of the several pieces of money, as expressed in the Proclamation of 8th August 1822, as also of the destruction of the aforesaid sum of 200,000 rixdollars, annexing to or including in such their act authentic copies of the several certificates lodged as directed in their records, which public act is to be presented to me, to be disposed of in such manner as I may think expedient for the satisfaction of His Majesty in the premises.

For all which this shall be to all concerned a full and sufficient warrant and authority.

God save the King.

Given under my hand and seal, at the Cape of Good Hope, this 19th day of December 1823.

(Signed) C. H. SOMERSET.

[Copy.]

Letter from MR. GEORGE GREIG to LORD CHARLES SOMERSET.

December 20, 1823.

MY LORD,—I have the honour to enclose, for your Lordship's perusal, a "Prospectus" of the "*South African Commercial Advertiser*." I am induced to calculate on your Excellency's Patronage, from a conviction that the utility of such a medium of general communication cannot fail to be obvious to your Excellency: while at the same time its mild and harmless plan, will shield it from the charge of evil tendency. Independent of these grounds, I feel assured it cannot be your

Excellency's object, to raise any barrier, against my following a profession which (from having regularly studied it) I have full right to look up to for support. I have &c.

(Signed) GEORGE GREIG.

[Copy.]

Prospectus of the *South African Commercial Advertiser*.

The "South African Commercial Advertiser," is intended chiefly for the use and accommodation of persons connected with *Trade and Merchandise*. Its columns will be open for *Advertisements*, at a reasonable charge, in the English and Dutch Languages, announcing Sales, Arrivals of Goods, and such other Matters as the Merchant or Retail Dealer may wish to make known: Also, Rates of Exchange: Arrivals and Departures of Vessels: State of the Market: and any information that may tend to the advancement of *Trade and Commerce*, the Improvement of *Agriculture*, or the elucidation of *Science*.

A Small Portion of the "South African Commercial Advertiser," will be appropriated to *Original Miscellaneous Matter*; in which will be discussed subjects at once interesting and amusing; occasional extracts will be made from *English Papers*, and other *Literary Productions*; an offering to the Muses, or an inoffensive point of humour, may find room in its columns; and, while, we shall be happy to receive communications from intelligent correspondents, the "South African Commercial Advertiser," will ever most rigidly *exclude* all Personal Controversy, however disguised, or the remotest discussion of subjects relating to the *Policy or Administration* of the Colonial Government.

As we are desirous of obtaining the earliest information tending to improvements in *Agriculture*, we shall be happy to receive communications from persons acquainted with this Branch of Science.

In submitting to the Public a Prospectus of the "South African Commercial Advertiser" we are aware of the difficulties that must, in its onset, attend an Enterprize of this nature.

Our promises, therefore, respecting Literature, must be, for the present, limited. To those, whose talents have hitherto lain dormant for want of an opportunity of exerting them, a facility is now offered, which we hope will develop *Genius*, and raise the Literary reputation of the Colony; and, as a free diffusion of knowledge is the grand means of giving a tone to Society, by elevating its Morals, and promoting a taste for Literature, we look to the more enlightened part of the community;—in the confident hope, that they will not allow this, the first attempt to establish a medium of general communication in a British Colony, to fail for want of that support, which the well informed, the intelligent, and the patriotic, are alone able to afford.

The “South African Commercial Advertiser” will be published every *Wednesday afternoon*, and Advertisements received till the *Tuesday morning* preceding publication. Communications to be addressed to the Editor, “South African Commercial Advertiser Office,” No. 1 Longmarket Street,—if from the Country, *Post Paid*.

Terms of subscription—4 Rds. per quarter, or a single Number, 3 Sks. Subscriptions to be paid in Advance.

December 20th, 1823.

[Original.]

Letter from LORD CHARLES SOMERSET to EARL BATHURST.

CAPE OF GOOD HOPE, 24th December, 1823.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's despatch of the 14th of August last (No. 74), calling on me to report in detail the reasons which in my opinion rendered it expedient to cancel the deed by which Mr. William Parker was bound to complete a purchase of government property;—to remit certain duties to which (it is asserted) the public was entitled by the sale of the property;—to sanction an advance from the military chest, under the head (as it is alleged) of passage-money;—and to authorize the advance of 3,000 rix dollars from the bank.

Before I enter upon the explanations called for by your Lordship, I must observe that it is impossible for me to peruse the extract enclosed in your Lordship's despatch without discovering that the representation has been made by an officer of this government who has access to the official papers: and it is equally evident to me, from the *ex parte* manner in which the statement is drawn out, and the gross falsehood of the reasoning added to it, that his sole object has been to calumniate his chief, in the hope of injuring him in your Lordship's estimation; but if your Lordship should be convinced by the documents I have the honour to annex (as I conscientiously am), that the mode by which I extricated Mr. Parker and his large family from inevitable ruin and even want, was consistent with the wisest policy, with the liberality and humanity which never fail to guide His Majesty's Government, with the least inconvenience and embarrassment to the public service, and peremptorily called for in the execution of my duty, I trust your Lordship will visit that public officer, whoever he may be, with some signal mark of your Lordship's displeasure.

Mr. Parker's memorial, the accuracy of which I ascertained, shows the principal grounds which determined me as to the justice and expediency of relieving Mr. Parker from a most inconsiderate, improvident and ruinous purchase, as well as of aiding him to return with his family to Europe. Mr. Parker at that period was so entirely destitute of means to complete the purchase, that during the time of his residence in Cape Town, for the purpose of daily importuning me to relieve his distress and redress his wrongs, his wife (a lady very respectably connected) was actually in danger of being starved from want, with her six children, had it not been for the humanity of neighbours in supplying them with a little rice, their only food. Under such circumstances what hope was there of the man being able to pay for a place bought at *more than double* its value, even at the most favourable period? but in the seasons during which Mr. Parker had occupied it, it had produced *nothing*, the blights having been peculiarly prevalent there. I might certainly have imprisoned Mr. Parker and his surety for the nonpayment; but in the second season of a famine, would it have been consistent with the

policy your Lordship would wish me to pursue, to have gone to that extremity with such hopeless expectation ? But your Lordship will perceive by the documents and calculation I annex, that putting Mr. Parker on a footing with any other head of a party who has received the smallest portion of assistance (in proportion to the numbers thrown upon them for support), that the aid I afforded him dwindles to the very inconsiderable sum, 992 rix dollars, (even supposing that his purchase was a fair one) ; but in comparison with Mr. Sephton, Mr. Wilson (who never went near his party), and many others, as your Lordship will perceive by Annexures Nos. 4 and 5, that the aid to Mr. Parker was literally insignificant ; and though these others may be considered debtors to the government, there is not the slightest hope of recovering a single dollar from them.

With regard to the transfer duties, the whole is a gross mis-statement. No duties become payable until the transfer takes place ; and as the purchase never was completed, and as there were no means to complete it, of course the transfer never could be made, consequently the duties never could become due. The transfer on the subsequent sale, amounting to 327 rds. 3 sk. 2 sts. has of course been paid, and is so far a gain, therefore, to the public.

Adverting to the assertion, that " it was not a hard bargain, and that by universal opinion the property was worth the money," the direct contrary is the fact, as the annexures will prove ; and when it fetched 6,666 rix dollars, it was infinitely more than the landdrost expected it would sell for, and more (as he told me) than any man could make of it. The adducing Mr. Colebrooke's being the next bidder in proof of this assertion, is perhaps of all others the strongest instance throughout the whole of this representation of the *intentional* mystification of fact. To Mr. Colebrooke, who possessed the whole of the land on that side of Saldanha Bay, except this one spot, it was of course (if valuable at all) of much more value than to any other individual, and therefore Mr. C. was not a competitor by whom the real value of the land could fairly be computed. The writer, too, has most carefully taken advantage of your Lordship's not being conversant with the system of auctions in this country to lead you to believe that Mr. Colebrooke bid

nearly as much as Mr. Parker : now the fact is, Mr. Parker gave 40,000 guilders, or 13,333 $\frac{1}{3}$ rix dollars, and the amount Mr. Colebrooke bid (whose agent bid for it in order to secure for his principal a monopoly of the whole of the land in those parts) was only 32,000 guilders, or 10,666 $\frac{1}{3}$ rix dollars, being entitled to the strykgeld of 300 rix dollars. It is unnecessary to comment on this ; your Lordship's indignation will rise, I am persuaded, as you read it.

Mr. Colebrooke returned to this Colony on the 18th December 1821, and after having inspected his places, addressed a letter to the colonial secretary, of which Annexure 8 is a copy, every word of which is a stronger exposure than any I can offer of the total perversion of fact as to the value of the place purchased by Mr. Parker, which is precisely similar and adjoining to Mr. Colebrooke's *six* places, the rent of which was only 24 rix dollars each. If then Mr. Colebrooke asserted in his letter that his places were not worth 24 rix dollars per annum, how could Mr. Parker's be otherwise than a "hard bargain," if he was called upon to pay a rent 800 rix dollars per annum as legal interest on the purchase-money, upwards of thirty-three times the amount of that for which Mr. Colebrooke asked remission upon the grounds so strongly urged by him.

Respecting the advance from the bank to enable Mr. Parker to discharge the debts he had incurred in maintaining his family, that has since been paid off, both principal and interest. I am unwilling to trespass longer on your Lordship's time, and will therefore notice only one assertion more, which is, that Mr. Parker "had no claim on the public." I entirely differ. Mr. Parker, after a residence of nearly two years and a half here, had expended a larger capital than the head of any other party, and had been reduced to beggary by being originally located on a spot *totally incapable* of receiving so numerous a party ; the proof of which is the removal by government, on the 17th August 1820, of 137 out of 222 of his party to the frontier district of Albany ; the 85 who remained being left entirely dependent on Mr. Parker for support, and to whom (until I issued it for the bill of 250*l.*) no ration or other assistance was given.

In asserting the incapability of the Kleine Valley to receive Mr. Parker's party, and the claim he had on that account on the government, I do not mean to insinuate the slightest blame

upon the acting Governor ; he was laboriously employed at the time 800 miles distant, and could only know *by report* the competency of this location. I have &c.

(Signed) CHARLES H. SOMERSET.

[Copy.]

Letter from the Landdrost of Albany to the Colonial Secretary.

GRAHAM'S TOWN, 24th December 1823.

SIR,—In reply to that part of your Letter of the 22nd October last which respects those heads of parties of Settlers whose names are found in the enclosed list No. 2, and whose claims His Excellency the Governor has referred to my discretion, with directions that I should state what portions I recommend should be granted to those heads of Parties or to the persons remaining on the lands, I have the honor to report for the information of His Excellency as follows, viz. :

List No. 2. Barker, Arthur. The location on which this party has been placed being of a description and nature which will not admit of any division, I submit that altho' the number of persons who have resided, or the cultivation of the land, does not entitle the party to the full grant, the whole location as measured by Mr. Knobel should be granted.

Brown, Thomas. This person having resumed the location apparently with the intention of residing and cultivating, I submit that he be granted five hundred acres, and that they may be measured accordingly.

Campbell, C. C., Major General. Four adults only having resided on the location, the estate can only be entitled to land in proportion, and under all circumstances I am of opinion that a grant of one thousand acres is the full extent to which the Estate is entitled.

Francis, D. P. His Excellency has already decided that this person is not entitled to a grant of land.

Latham, Joseph. Mr. Latham being exceedingly industrious, and having established himself on a farm he has purchased, is

entitled to a portion of land as a location, and I submit that it should be granted contiguous to his property.

Liversage, Samuel. This party, though very idle, have resided on the land and are so exceedingly poor that if deprived of their location they would become vagabonds, and I submit they should be granted their location as measured.

Mills, Daniel. This person resided upon the location for the two first years, and has lately had a representative there. He has a large family of young children, mostly daughters, and is a poor man. The location could not be divided so as to form a small one for any other person, I therefore submit it should be granted as measured.

Morgan, Nathaniel. Six out of the seven who composed the Party on landing have resided on the Location, and have therefore a claim to the Grant, altho' little industry has been employed, I therefore submit that the Location should be granted as measured.

Morton, John. This party consisted of twenty-five persons, who were divided under five heads, of whom three (Messrs. Satchwell, Fournier, and Gaugain) are now on the locations, and entitled to their five hundred acres each. One (Morton) has quitted the Colony and transferred his right with His Excellency's permission to J. Shaw, who is therefore entitled to five hundred acres. One (Wilkinson) is dead, who having built a house and expended money on the lands, I submit that his estate should have the benefit of his portion of five hundred acres.

Osler, Samuel. Two persons, James Weeks and James Eva, are entitled to one hundred acres of land each, which are to be measured.

Owen, William. Under the circumstances of this person having a large family and being a respectable man, I submit he should be granted the location measured for him and his party.

Philipps, Thomas. As I did not mean in my report of May last to make any doubt of Mr. Philipps being entitled to the full location, I submit that it should be granted to him.

Rowles, Thomas. Richard Atwell, George Surman, John Wilson, and John Smith being on the location, are entitled to one hundred acres of land each, which are to be measured.

Scott, George (deceased). George Ubsdale and the estate

of G. Scott are entitled to one hundred acres of land each, to be measured.

Turvey, Edward. This party removed on their own accord, and have never been located since. The party has been broken up, and there is no title to the location.

Wait, William. I cannot recommend the grant of the full location unless Mr. Wait shall shew further cause, himself only having resided, and very little having been done as to cultivation, particularly as Mr. Wait has applied for additional grants.

With respect to Mr. Bailie's party, the twenty-one adults who have resided upon the location during the three years are entitled to their respective allotments. Mr. Bailie himself has cultivated as much as in his power, and I submit he should be granted land for himself and the number of servants he brought out.

The remaining adults of W. Clarke's party are John Marshall, Jeremiah Honey, Henry Marshall, Richard White, William Wentworth, Henry Brooks, — Campkin, and the widow of W. Clarke, amongst whom I recommend that the location should be granted.

The remaining adults of W. Cock's party, being twenty-one in number, I submit that the full location as measured should be granted to them, and that the location of W. Holder should be divided between W. Holder, W. Hiles, James Powell, and A. Kidwell.

The name of the person on Perkins' location is Benjamin Leech, to whom I submit that the grant should be made.

I have &c.

(Signed) HARRY RIVERS.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF
ENQUIRY.

LONDON, 27th December 1823.

GENTLEMEN,—I transmit to you herewith two affidavits which have been presented to this Department by Mr. William Parker, and I have to desire you would immediately proceed to

examine into the charges which have been brought forward in those documents against Colonel Bird—and in reporting the result of your Investigation, you will at the same time transmit whatever documentary evidence may have been produced by that Officer in refutation of those charges and you will notice any difficulties which you may have experienced in the prosecution of your Enquiry from the manner in which the charges in question have been framed. I have &c.

(Signed) BATHURST.

[Enclosure in the above.]

See pages 397 and 400.

[Office Copy.]

Letter from R. W. HORTON, ESQRE., to LIEUTENANT COLONEL BIRD.

COLONIAL OFFICE, LONDON, 27th December 1823.

SIR,—Mr. William Parker having continued since his return to this Country to complain of your conduct towards him during the period of his residence at the Cape of Good Hope; I am directed by Earl Bathurst to inform you that his Lordship has considered it most advisable to refer to the consideration of the Commissioners of Enquiry certain Affidavits which that Individual has presented to this Department; and to desire they would immediately proceed to examine into the charges which have been brought against you in those Documents, and in reporting the result of their investigation, transmit whatever Documentary Evidence you may produce in refutation of those charges. I have &c.

(Signed) R. W. HORTON.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF
ENQUIRY.

LONDON, 28th December 1823.

GENTLEMEN,—With reference to the Letter which I addressed to you on the 27th instant directing you to examine into certain charges which have been preferred against Colonel Bird by Mr. William Parker; I have now to desire that you should also investigate Mr. Parker's case generally, and state your opinion in a separate Report, and the complaints which that Individual has made against the Government of the Cape of Good Hope, the particulars of which will come under your observation in examining the Documents connected with the charges which he has brought against Colonel Bird.

You will also state your opinion of the proceedings of Mr. Parker, and notice the degree of success which has attended the parties which were settled in the district in which lands were assigned to him by the Colonial Government.

I have &c.

(Signed) BATHURST.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT
COLONEL BIRD.

UITENHAGE, 30th December 1823.

SIR,—We have the honor to request you will be so good as to inform us whether a memorial from Mr. Jacobus Phillipus Moolman, praying for the grant of a piece of Land in this District named Blauwe Kranse stated to have been transmitted to your office in May 1821 was received, and if so whether any and what steps were taken in consequence of it. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the Commissioners of Enquiry to the Colonial Secretary.

UITENHAGE, 30th December 1823.

SIR,—We have the honor to enclose the copy of a memorial (signed F. Jonk) that we were informed was forwarded to His Excellency the Governor, and we request that you will be so good as to inform us whether any and what decision has been made upon the subject; and as we have not any copy of the Memorial we beg the favor of you to return it to us addressed to Graham's Town. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Office Copy.]

Letter from EARL BATHURST to LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 31st December 1823.

MY LORD,—In consequence of the great inconvenience which has arisen from the omission to report to me regularly for His Majesty's information such vacancies as occur from time to time in the Civil Offices on the establishment of the Governments of His Majesty's Foreign Possessions, I have received His Majesty's Commands to direct that in future your Lordship will not fail to notify to me such vacancies immediately as they occur, and you will at the same time take care to report the names of the persons whom you may think it necessary to appoint to such vacant Offices, until they shall either be superseded by other individuals appointed by His Majesty or eventually confirmed; and I have further to acquaint Your Lordship that I shall not feel myself at liberty to sanction the issue of any Salary which may have been issued to Officers provisionally appointed by you for any period antecedent to the notification of their appointment.

With respect to those Offices to which it has been usual for your Lordship or your Predecessors to appoint Individuals residing in the Colony, I have to request that you will send me a list of the dates of the several appointments, and report to me quarterly such changes as may in future occur in them.

I have directed that a Copy of this Instruction may be transmitted to the Lords Commissioners of His Majesty's Treasury for the information and guidance of the respective Boards of Audit. I have &c.

(Signed) BATHURST.

[Office Copy.]

Warrant for His Majesty's Pardon.

To our Trusty and Well beloved Our Governor and Commander in Chief of Our Colony the Cape of Good Hope, The Recorder of the City of London and all others whom it may concern.

(L.S.)

GEORGE R.

Whereas Rosalyn (a female Slave) was at a Court of Criminal Judicature holden at the Cape of Good Hope in April 1822 tried and convicted of murder, and had sentence of Death passed upon her for the same: We in consideration of some favorable circumstances humbly represented unto Us in her behalf are graciously pleased to extend Our Grace and Mercy unto her and to Grant her Our Pardon for her said Crime, on condition of her being imprisoned and kept to hard labour in such place within Our Colony of the Cape of Good Hope, as Our Governor or Officer administering the Government of the said Colony for the time being shall think fit, for the term of Five Years, the same to be computed from the time of her conviction: Our Will and Pleasure therefore is that you do give the necessary directions accordingly; and that she be inserted for her said Crime on the Condition of Our first and next General Pardon that shall come out for the Poor Convicts

in Newgate. And for so doing this shall be your Warrant. Given at Our Court at Carlton House the 31st day of December 1823, in the Fourth year of Our Reign.

By His Majesty's Command.

(Signed) ROBERT PEEL.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY to LIEUTENANT COLONEL BIRD.

UITENHAGE, 31st December 1823.

SIR,—We have the honor to acknowledge the receipt of your letter of the 18th Instant and its accompanying enclosure containing copies of a Memorial addressed to His Excellency the Governor by Mr. P. L. Dupreez for the emancipation of two slaves, Eva and September, and His Excellency's answer thereto, together with copies of a communication of the Bequest of Freedom to those slaves, made to the office of Registry by you in Cape Town from the Colonial Office.

We beg leave to return you our thanks for your early attention to our request, and at the same time to express the satisfaction with which we observe this proof of the promptitude displayed by your Department in securing by authentic Records the benefits of Freedom to this unfortunate class of the population. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

Letter from the COMMISSIONERS OF ENQUIRY *to* LIEUTENANT
COLONEL BIRD.

UITENHAGE, 31st December 1823.

SIR,—A question having arisen before us upon the claims of a Soldier of the Dutch East India Company to his right of Burghership in this Colony, as secured to him by the articles of capitulation signed by Sir David Baird at its last capture, and as we have not the means of referring to that Document, we request that you will be good enough to inform us, whether the Individuals composing the Garrison had an option given to them of entering into his Britannic Majesty's service, or of being sent to Holland in English Vessels, or lastly of remaining in the Colony and of enjoying the same rights and privileges as the other Inhabitants. After making this reference, and being favored with your answer, it will remain for us to consider whether the last option contained in the capitulation conferred upon those who accepted it, amongst other rights, that of Burghership. We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

[Copy.]

**Return of all Commandos or Expeditions against the Bosjesmen
which have taken place in the District of Worcester since
the Year 1805, up to the end of 1823.**

Date of the Commandos or Expeditions.	Number of Bosjesmen			Remarks.
	Killed.	Wounded.	Taken Prisoners.	
February 7, 1805 .	1	—	—	What was done with the wounded men or with the prisoners if any, is noted.
" 18, " .	—	—	—	
March 2, " .	—	1	—	
August 20, " .	2	—	—	
October 5, " .	—	—	—	
" 7, " .	23	—	—	
December 1, " .	9	3	—	
" 31, " .	1	—	—	
March 20, 1806 .	—	—	—	
November 3, " .	—	—	—	
February 12, 1807 .	—	—	—	
May 3, " .	—	—	—	
July 5, " .	—	—	—	
February 25, 1822 .	—	—	—	
March 7, " .	—	—	—	
" 22, " .	6	3	—	
" 24, " .	—	—	—	
April 11, " .	—	—	—	

(Signed)

C. TRAPPES.

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope, for the year 1823.

	Balance	REVENUE:	Rds.	skill.	st.
Combard Bank	.	.	291,058	4	1 $\frac{1}{2}$
Discount bank	.	.	89,003	-	4
Vendue duties	.	.	52,797	-	3
Customs	.	.	166,996	2	4
Land revenue	.	.	290,091	7	-
Tithes and transfer duties	.	.	97,490	7	5
Stamps	.	.	314,020	-	1 $\frac{1}{2}$
Sequestrator's department	.	.	148,568	6	-
Printing department	.	.	42,710	1	2
Commando tax	.	.	20,495	3	-
Port dues	.	.	72,000	-	-
Postage	.	.	13,854	1	-
Fines	.	.	26,846	2	2
Fees of office	.	.	966	5	2
Ditto wine taster's department	.	.	86,569	-	3
Annual repayment by Stellenbosch	.	.	18,383	6	-
Burgher senate, in reimbursement of part of the capital advanced to them	.	.	3,000	-	-
Colonial paymaster, an advance	.	.	22,025	2	4
" " Reimbursements	.	.	110,000	-	-
Miscellaneous receipts	.	.	46,235	7	-
			1,811	5	4
			<u>Rixds.</u>	<u>1,914,925</u>	<u>- -$\frac{1}{4}$</u>

EXPENDITURE:

	Rds.	skill.	st.
Civil list, sterling salaries	333,330	7	3 $\frac{1}{2}$
Colonial salaries	546,711	3	3 $\frac{1}{2}$
Public buildings, (erection of new, and repairs of old buildings)	163,970	4	-
Cape regiment	229,258	1	5 $\frac{1}{2}$
Payment of Hottentot Captains	2,473	2	1
Residency of Simon's Town	12,000	-	-
Expenses of offices	57,342	2	3
Criminal prisoners and convicts	25,032	7	3
Remittance to colonial agent	34,843	3	3
Bible and School agent, in aid of the same	4,422	1	4
Freight and passage money, travelling expenses, &c.	1,961	2	-
House rent and lodging money	7,798	4	-
Vessels and boats, purchase money and repairs of ditto, including charges of the harbour master's departments at outposts	47,703	3	1
Carried forward	<u>1,466,848</u>	<u>3</u>	<u>3$\frac{1}{2}$</u>

	Rds.	skill	s
Brought forward	1,466,848	3	3½
Repair of the wharf	14,210	5	3
Buckbay and Grootepost establishments	3,096	6	-
Government Constantia wine	5,538	2	-
Commission of Circuit	9,814	2	-
Annual repayment by Stellenbosch, (destroyed)	3,000	-	-
Settlers	1,321	4	4
Road through Franschhoek	23,492	3	2
Leper institution	7,325	6	-
Albany levy	2,403	-	4
Miscellaneous expenditure	17,292	-	2
Balance	360,581	5	5½
	<u>Rds.</u>	<u>1,914,925</u>	<u>- 4</u>

(Signed) J. W. STOLL, Rec^r Gen^l.

EXPENDITURE—SUNDRIES :—1823

	Rds.	skill	s
Reverend Mr. Borchers, for having officiated as minister at the church of Somerset	36	-	-
Mr. W. Hertzog, for copies of some diagrams	160	-	-
Mr. J. Fyerstein, for tools, &c. for the stone quarry at Robben Island	234	-	-
Executioner	58	-	-
Resident Plettenberg's Bay, for victualling and clothing the Government slaves at that place	222	4	-
Mr. Muller, for meat, &c. supplied for the lions	225	-	-
Mr. Murphy, a remuneration of extra services as translator to the commission appointed for the purpose of defining the laws in force respecting slaves	1,500	-	-
Mr. G. van Reenen, for trees supplied for the Government gardens	900	-	-
Mr. Klerck, for grazing the Government cattle at the farm Grootte Post	533	-	-
Reverend Mr. Borchers, for having officiated as minister at the church of Somerset	36	-	-
Mr. G. Muller, for meat, &c. supplied for the lions	225	-	-
J. Fyerstein, for tools, &c. for the stone quarry at Robben Island	326	-	-
Executioner	100	-	-
Resident Plettenberg's Bay, for victualling and clothing the Government slaves at that place	117	-	-
Major Cloete, being the amount assigned to him, with a view of covering any pecuniary inconvenience he may have been put to, beyond what appears in his detailed account of expenses incurred in his mission to England, with which he was intrusted by this Government	1,366	5	2
Carried forward	<u>6,039</u>	<u>1</u>	<u>2</u>

	Rds.	skill.	st.
Brought forward	6,039	1	2
Mr. Villet, for seeds for the Ceylon governor	335	-	-
Reverend Mr. Borchers, for having officiated as minister at the church of Somerset	36	-	-
The agent to the Albany district, a loan to discharge to the treasury at Swellendam, the expenses incurred for the maintenance of the Leper institution	3,872	-	2
Premiums given by the landdrost of Albany at the letting of the wine and brandy licences	650	-	-
R. J. Johnson, presents for Caffre chief	1,207	4	-
Dr. Shand, for attending, &c. on Mr. Blair, the English teacher of Caledon	183	-	-
Mr. G. Muller, for meat, &c. supplied for the lions	225	-	-
Mrs. Bergman, in reimbursement of travelling expenses of her late husband from Caledon to Beaufort, to which latter place he was appointed secretary	189	-	-
Mr. Hunt, for board and lodging of the master of the <i>Winefred</i> , now missing, during their stay at Port Elizabeth, whilst employed in assisting in the survey of the river Cowie	501	-	-
J. Fyerstein, for tools, &c. for the stone quarry at Robben Island	248	-	-
A. Sutherland, for making an altar and pews for the service of the English church, Cape Town	950	-	-
Messrs. Stamp & Co. for Caffre presents	276	-	-
Mr. G. D. Mahary, district surgeon, for continuing the vaccine virus in the Swellendam district	150	-	-
Vendue office, in reimbursement of the vendue duty paid by him to Government, on the sum for which Mr. Parker purchased the Government post at Saldanha Bay, and which purchase was subsequently cancelled	333	2	4
Mr. G. Muller, for meat, &c. for the lions	225	-	-
Resident at Plettenberg's Bay, for victualling and clothing the Government slaves at that place	234	-	-
E. Durham, for a weather box, supplied for the use of a clergyman performing funeral service in the churchyard	235	-	-
Landdrost of Albany, the expense of enclosing the drostdy grounds at Graham's Town	1,056	-	-
D. de Jongh, Caffre present	172	-	-
Premiums given to the highest bidders at the farming of the wine and brandy licences	375	-	-
	<hr/>		
	Rds.	17,292	- 2

(Signed) J. W. STOLL, Rec^t. Gen^l.

Return showing the Population and Cattle in the Possession of

	CHRISTIANS:					FREE BLACKS:				HOTTENTOTS:				NEGRO APPRENTICES:			
	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Servants.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.
Cape Town . .	2,428	1,706	2,096	2,016	..	411	409	592	458	95	110	169	146	407	144	203	202
Cape District	912	758	726	772	146	..	..	..	..	367	310	370	229	185	46	44	41
Simon's Town	185	32	115	64	..	51	20	42	6	109	115	114	48	54	92	47	39
Stellenbosch	1,607	1,416	1,273	1,524	..	..	..	..	..	502	431	532	406	79	16	28	22
Swellendam	1,593	1,658	1,230	1,787	27	..	..	..	..	1,226	1,207	1,079	1,120	22	9	5	2
Graaff Reinet	2,944	3,332	2,223	3,406	..	..	..	..	..	2,957	2,361	3,179	2,162	10	..	8	..
Uitenhage . .	958	1,023	864	1,024	..	..	..	..	..	884	883	930	887	17	..	2	..
George . .	771	841	580	865	8	..	..	..	..	591	592	642	582	24	1	3	6
Albany . .	349	335	235	373	..	..	..	..	..	152	115	180	120	..	..	..	..
Worcester, late Tulbagh }	1,341	1,117	936	1,303	..	..	..	..	..	1,229	1,100	1,263	1,105	12	..	..	..
Total . .	13,088	12,218	10,078	13,134	181	462	429	634	464	8,112	7,224	8,408	6,806	810	308	340	312

Return showing the State of Cultivation and Quantity of Land

	MUIDS SOWN:				MUIDS REAPED:				HAY.	VINES.
	Wheat.	Barley.	Oats.	Rye.	Wheat.	Barley.	Oats.	Rye.		
Cape Town . .	..	..	..	..	..	..	..	..	lbs.	..
Cape District . .	3,491	1,059	4,292	229	28,938	22,441	22,570	21,006	3,292,840	2,641,060
Simon's Town.	..	..	..	..	..	..	..	..	..	..
Stellenbosch . .	2,966	1,124	4,716	450	24,980	22,100	40,272	4,048	515,850	23,131,700
Swellendam . .	2,206	1,783	1,114	196	24,044	38,457	13,058	3,296	..	1,472,650
Graaff Reinet . .	1,150	512	9	6	13,318	6,048	73	53	..	1,059,225
Uitenhage . .	437½	328	199	11½	4,645	4,357	2,637	135½	..	265,425
George . .	614	546	17½	31½	6,700	11,883	229½	574½	..	840,000
Albany . .	68	42	2	..	170	343	18	..	..	13,500
Worcester, late Tulbagh }	3,263	1,227	1,560	609	37,131	26,503	19,304	7,843	..	1,745,460
Total . .	14,197½	6,631	11,909½	1,533	139,926	132,132	98,061½	36,956	3,808,690	31,169,020

Individuals at the Cape of Good Hope in the Year 1823.

SLAVES:				CATTLE:									
Men above 16 Years.	Men under 16 years.	Women above 16 Years.	Women under 16 Years.	Waggon and Saddle Horses.	Breeding Horses.	Draught Oxen.	Breeding Cattle.	Wethers.	Breeding Sheep.	Spanish Sheep.	Goats.	Asses.	Pigs.
2,707	1,261	1,908	1,200	..	..	..	..	..	..	..	..	..	..
2,410	898	737	522	2,530	3,832	10,950	8,385	3,191	7,938	1,860	9,673	257	757
50	34	39	13	..	..	..	..	..	..	..	..	..	..
3,869	1,514	1,947	1,342	5,170	4,028	17,960	5,700	8,174	1,550	2,542	14,166	170	1,713
1,077	645	732	623	4,245	11,064	12,879	15,068	6,363	59,112	8,768	57,660	45	1,458
1,227	414	786	409	5,891	10,734	26,885	106,432	84	579,712	1,012	131,422	..	28
344	156	305	174	1,325	2,775	13,279	51,747	..	34,656	..	39,003	..	66
534	355	399	355	1,304	2,795	10,609	17,580	203	26,591	634	14,260	..	308
105	66	112	59	438	993	3,186	10,427	450	85,807	..	8,921	..	20
1,641	774	1,029	721	4,227	10,520	16,805	25,136	8,541	281,293	3,069	74,374	..	1,318
13,964	5,821	7,994	5,418	25,128	46,739	112,553	240,475	27,006	1,076,659	17,883	349,378	472	5,668

occupied at the Cape of Good Hope in the year 1823.

Leaguers of Wine.	Leaguers of Brandy.	Waggons.	Carts.	Loan Freehold Places.	Loan Places.	LANDS IN FREEHOLD:				LANDS IN QUIT-RENT:				Government Places.
						Places.	Even.	Morgen.	Roods.	Places.	Even.	Morgen.	Roods.	
..
1,766½	60	700	198	14	143	167	45	10,509	356	..	..	60,391	336	41
..
17,500	1,035	1,499	473	..	117	441	381	17,646	322	..	..	92,081	279	..
440	123½	1,113	70	..	436	33	119	..	..	61	..	90,289	34	..
299	184	2,448	47	..	326	..	201	4,901	24	..	..	151,883	595	..
50	36½	737	17	..	15	7	108	14,000	..	280	..	629,905	392	..
176	105	586	26	..	..	5	66	..	..	232	..	152	..	..
4	1½	194	1	..	10	35	..	..	..	25	..	..	..	..
912	161½	1,375	130	7½	556	24	96	..	..	25	6	30,063	466	..
21,147½	1,656	8,652	962	21½	1,603	712	1,016	47,056	702	623	6	1,054,764	2,101	41

[Copy.]

*Letter from MR. GEORGE GREIG to LORD CHARLES SOMERSET.**January 2, 1824.*

MY LORD,—In consequence of a communication from Colonel Bird Colonial Secretary : “ That your Excellency has directed the imposition of one Rixdollar upon every advertisement that may appear in my Paper,” thereby legalising it, I have to request, that your Excellency will give directions for its transmission to the Country Districts, in the same manner as the existing Paper is now transmitted.

As I feel confident Your Excellency will at once see the propriety and justice of this measure, and as the first Number will be published on Wednesday next, January 7th, I trust Your Excellency will allow me to urge an early answer.

I have &c.

(Signed) GEO. GREIG.

[Original.]

*Letter from LORD CHARLES SOMERSET to EARL BATHURST.**CAPE OF GOOD HOPE, 3rd January 1824.*

MY LORD,—Having lately considered it expedient to revise the securities which Officers of this Government holding certain Appointments of Trust are called upon to give, I discovered that the Collector of Customs had not given Security ; and having called upon that Officer so to do, I received the reply of which the Enclosure No. 1 is a Copy.

I do myself the honor therefore to transmit to your Lordship a Copy of the regulation promulgated by Lord Howden on the 1st May 1812, in order that in future (should your Lordship coincide in the expediency of the measure) the persons appointed at home to any of the offices on the List, may, on their appointment, be called upon to give the required Security, as there is unquestionably an apparent injustice in calling upon an officer for security after he shall have arrived at a remote

Station and distant from all those to whom he could look for the Security required.

I shall take no further Steps in Mr. Blair's regard until I am honoured with your Lordship's Commands therein.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure No. 1 in the above.]

CUSTOM HOUSE, CAPE TOWN, 13th December 1823.

SIR,—In reply to your favor of the 6th November on the Subject of delivering in Security, I have the honor to acquaint you for the Information of His Excellency the Governor, that upon my appointment in London, by the Lords of the Treasury, of Collector of His Majesty's Customs at the Cape of Good Hope, I was not required to give security, which I presume would have been demanded where my friends reside, had it been thought necessary.

I am in hopes therefore that His Excellency will not consider me to be included in the new regulation. I have &c.

(Signed) CHARLES BLAIR, Collector of Customs.

To C. Bird, Esqre., Colonial Secretary.

[Enclosure No. 2 in the above.]

Government Advertisement.

Notice is hereby given to such of the under-mentioned Officers as have not given security to this Government, in the Sums specified opposite to their Names, for the faithful discharge of the several Trusts reposed in them, that they are to lose no time in so doing at the Secretary's Office in the Castle.

Castle of Good Hope, May 1st, 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Sec.

	<i>Rds.</i>
Colonial Paymaster : : : : : : : :	10,000
Receiver General : : : : : : : :	25,000
President of the Lombard and Discount Banks	20,000
Directors of ditto, each	5,000
Cashiers of ditto, each : : :	5,000
Accountant of Discount Bank : : : : : :	5,000
President of the Chamber for regulating Insolvent Estates : :	5,000
Members of ditto, each	5,000
Secretary of ditto : : :	5,000
Collector of Tythes : : :	20,000
Collector of Customs	15,000
Vendue Master : : :	20,000
Commissioner of Stamps	10,000
Receiver General of Land Revenue	20,000
Book-keeper to Colonial Granary	10,000
Ditto, to Printing Office : : :	2,000

[Office Copy.]

Letter from R. WILMOT HORTON, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 5th January 1824.

MY LORD,—This Letter will be delivered to your Lordship by Mr. Frederick Brooks, a young gentleman of very respectable connections who has been strongly recommended to this Department by his Uncle, a Solicitor in London of some Eminence. Although it is not Mr. Brooks' object to become immediately a Settler at the Cape of Good Hope, I am induced to recommend him to your Lordship's Notice and Protection during his Residence in that Colony. I have &c.

(Signed) R. WILMOT HORTON.

[Copy.]

*Letter from LORD CHARLES SOMERSET to the CHIEF JUSTICE
AND MEMBERS OF THE COURT OF JUSTICE.*

NEWLANDS, 5 January 1824.

GENTLEMEN,—I have the honor to enclose for your information certain resolutions which, having been unanimously agreed to in the House of Commons on the 15th of May last, have been forwarded to me by His Majesty's Secretary of State for the Colonies.

I have at the same time received His Majesty's commands not only to give my particular attention to the amelioration of the state of slavery generally, but also to give immediate effect to certain measures which are particularised in Earl Bathurst's communication.

Fortunately the steps which I took by my Proclamation of the 18th March last have anticipated the views of His Majesty's government in most of the points which have attracted its attention ; some other regulations will be gradually introduced, but there is one to which I am to call your earliest notice, it is that of abolishing flogging in all cases of female punishment, whether slaves, Hottentots, or others ; and I am therefore to require that in all sentences which your worshipful court shall be compelled to pass, wherein the law as it at present stands would warrant the punishment of flogging to be inflicted on female delinquents, some of the other modes of satisfying justice, more applicable to the female characters, should in future be adopted ; it being my intention, in obedience to the commands of His Majesty's government, that this regulation shall not only be carried through your court, but also through the inferior courts, and into the domestic corrections authorized in the departments of His Majesty's fiscal, and in those of the landdrosts and deputy landdrosts respectively. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the REVEREND DR. MANUEL *to* R. WILMOT
HORTON, ESQRE.

CHURCH STREET, STOKE NEWINGTON, *January 5, 1824.*

SIR,—In reply to your note with which I was honoured a few days ago, I beg to state, that my object in transmitting to you a copy of Professor Bentley's Letter was, to let you know the high opinion that is entertained privately of Mr. Morgan by those who know him well, and to acquaint you with the time when he shall be able to complete his studies both in this Country and in Holland in order to embark for the Cape. That will be in Spring 1825. Having not been acquainted with Mr. Morgan, I cannot take it upon me to recommend him from personal knowledge, but I hesitate not to say, that from the high respectability whence his testimonials come, I *believe* him to be a superior young man and deserving the favourable notice of Earl Bathurst. The question is, will he be ready in time for the vacancy now to be provided for, or rather so very shortly expected to take place? If he will, I would give it as my humble opinion that he should be accepted, and directed to complete his studies with all possible celerity. I have written to Mr. Grey and Dr. Campbell, to enquire, if they know Mr. Morgan, and if they would join in recommending him to Government. As however there is such a distance between the Universities of Edinburgh and Aberdeen, and as Mr. Morgan's native place is in the neighbourhood of the latter, there is a strong probability that they have no knowledge of him.

I shall have a communication from Mr. Grey either the end of this week or the beginning of next, which I hope will contain something definitive respecting the commission with which he and Dr. Campbell have been entrusted. Abundance of young men could be got for the situation in view, but they will not name any person to Earl Bathurst, if he does not possess such talents and worth as shall do credit to their recommendation, and hold out in their judgment ample probability that he will be active and useful in his charge. The moment I hear from Mr. Grey, I shall write you. I have &c.

(Signed) WM. MANUEL.

[Office Copy.]

Letter from EARL BATHURST *to* LORD CHARLES SOMERSET.

DOWNING STREET, LONDON, 6th January 1824.

MY LORD,—I do myself the honor to acknowledge the receipt of your Lordship's dispatch No. 55 of the 16th October last stating that the Offices of the Wharf Master and of the Searcher, and the stables belonging to the Custom House at Cape Town, had fallen into decay, and that you had given directions that these buildings should be repaired, which would cause an expenditure of seven thousand nine hundred and eighty Rix-dollars : and I have to inform your Lordship that under the circumstances detailed in your dispatch, I approve of the orders you have issued on this occasion ; and that instructions have been given to the Commissioners of Audit to admit the above charge in your Lordship's Accounts.

I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from EARL BATHURST *to the* COMMISSIONERS OF ENQUIRY.

COLONIAL OFFICE, LONDON, 6th January 1824.

GENTLEMEN,—I have to acknowledge the receipt of your letter of the 29th October last, and lose no time in informing you that the resolution you have taken to postpone your voyage to Mauritius and Ceylon, and remain at the Cape of Good Hope until the object of your Commission shall have been accomplished as far as regards the affairs of that Colony, has received the approbation of His Majesty's Government.

I am &c.

(Signed) BATHURST.

[Original.]

*Letter from T. P. COURTENAY, ESQRE., to R. WILMOT
HORTON, ESQRE.*

ABINGDON STREET, 6th January 1824.

SIR,—In reference to my letter of the 24th Ultimo I have to request that you will acquaint Earl Bathurst that I have this day received from His Excellency Lord Charles Somerset a letter (of which I enclose a copy) advising his having drawn upon me for £10,000, including the amount of the Bills which had been presented on or before the date of my said letter.

It will be necessary for me to have Lord Bathurst's Authority for the acceptance of these Bills.

The effect of this unexpected draft will be that so far from having the disposable balance of Cash, on which in my letter of the 18th Ulto. I requested Lord Bathurst's directions, I shall not have the means (as will be seen from the enclosed Statement) of carrying on the current Service of the Agency even for the present quarter, without assistance from His Majesty's Treasury.

I have therefore to request that you will move Lord Bathurst to cause an issue to be made to me of £2,000.

I shall endeavour to obtain from the Colonial Government the repayment of this Sum within the year, and the remittance of a Sum equivalent to the remaining expenses of 1824; and I venture to hope that upon the grounds already acted upon, Lord Bathurst will have the goodness to enforce this request.

I have &c.

(Signed) TH. PER. COURTENAY, Colonial Agent
for the Cape of Good Hope.

[Printed Copy.]

From the *South African Commercial Advertiser*
of 7th January 1824.

The "Mantatees."

Mr. Moffat, who has been for some years past stationed among the Bechuanas, is recently arrived in Cape Town, accompanied by "Peclu," the Son of King "Mateebe," and "Teysho," an aged and much distinguished Chief of that nation, and five females and a Boy, belonging to the invading tribes of the "Mantatees." We had been previously favoured with a sketch of a "Pietshow" or General Assembly, held at the Kuruman, or New Latakoo, in the month of June last, which we now lay before our readers, and which will be followed by some interesting information relating to a people whose appearance has excited so much curiosity both here and in Europe.

It may be necessary to premise, that Mr. Moffat, having ascertained the approach of the "Mantatees" to the Bechuana Country, hastened from New Latakoo to the station of Mr. Melvil, at Klaar Water, where he fortunately met some of the Griqua Chiefs, who readily agreed to proceed to the assistance of the Bechuanas with as many armed horsemen as they could muster. Mr. Moffat immediately returned to New Latakoo, accompanied by Mr. Thompson (of the Firm of Cooke and Thompson), whom he met at Klaar Water, and immediately after their arrival "Mateebe" summoned a General Assembly of the Tribes composing the Bechuana nation; of which the following account is taken from the notes made by Mr. Thompson on the spot.—

"At Sun-rise, thousands of the Warriors assembled, and the War-whoop was mingled with the discordant cries of the Women and Children; after which the Warriors formed into parties, and retired to the outskirts of the town, where they appeared to discuss the object of the assembly; they then advanced to the place of meeting, accompanying their march with the War Song and Dance, and occasionally exhibiting their dexterity in sham fighting.

"Before ten o'clock, the whole of the Population were assem-

bled in a Kraal, in the centre of the town, appropriated to such meetings. It formed a circle of about 150 yards in diameter : on the one side were seated the old men, women, and children ; and on the other the Warriors, bearing before them a shield, the handle of which was well stored with hassagais, and on their shoulders a quiver full of poisoned arrows, a bow, and a battle-axe ; from their backs hung the tails of Tigers, and plumes of Feathers waved on their Heads.

“ In the centre a sufficient space was left for the Privileged (those who have killed an enemy in battle) to dance and sing, in which they exhibited more violent and fantastic gestures than can be easily imagined, but which drew forth clamorous applause from the surrounding spectators.

“ After about an hour had been spent in these exercises, ‘ Mateebe,’ commanding silence, proceeded to his stand in front of the centre of the Warriors, and taking a Hassagai from his shield, pointed it towards the North-east (the quarter whence the ‘ Mantatees ’ were advancing), imprecating a curse upon them, and declaring war, by repeatedly advancing his Hassagai in that direction, as if in the act of plunging it into an enemy ;—this was repeated by the warriors, who joined in a loud whistle, in token of approval. He then turned his Hassagai to the South and South-west, imprecating a curse on the Ox-eaters (Bushmen), and, having repeated his warlike gestures, he returned the Hassagai to its place, and calling each tribe by its name—which was answered by each with a low, hollow groan, indicating attention—he addressed the whole to the following effect :

“ ‘ Ye sons of Mallahowan, the Mantatees are a strong and conquering people ; they have destroyed many nations ; they are coming to destroy us. Moffat has informed us respecting their manners, their deeds, their weapons, their intentions—by Moffat we see our danger ; we Bechuanas, or Matclapees, Matcloroos, Myrees, Baralongs, and Baracoutas, are not able to stand against the Mantatees. The Griquas have been informed of this by Moffat ; he held a meeting with them—they are coming :—they will unite with us against the Mantatees :—we must now concert, conclude, and be determined to stand :—the case is a great one :—you have seen the interest Moffat has taken in our safety :—if we exert ourselves like

him, the Mantatees cannot come a step further. You all see that the Macooas (white people) are our friends :—you see Thompson, a chief man of the Cape, come to see us on horse-back, he has not come to lurk behind our house as a spy, but come openly and with confidence :—his intentions are good ; he is one on whom the light of day may shine ; he is our friend. I now wait to hear what the general opinion is ; let every one speak his mind, and then I shall speak again.’—Mateebe then made the same movements with his hassagai as at the commencement, after which he waved the point towards the heavens, when all called out ‘Poola’ (rain or a blessing) and he sat down amid successive shouts and other tokens of applause : when these had subsided the warriors began a war song and dance as at the beginning, which was repeated after every succeeding speaker, except Incha. The second speaker, Moshume, after the same manœuvres as performed by Mateebe, which were introductory to each speech, spoke as follows : ‘To day we are called upon to oppose an enemy, who is an enemy to every one ; Moffat has been within a short distance of the camp of the Mantatees. We all opposed Moffat’s journey—we are to-day all glad that he went—he did not listen to us—he has warned us and the Griquas, what are we now to do ?—If we fly they will overtake us—if we fight they will conquer ; they are as a strong lion, they kill and eat—they leave nothing’ (here an old man interrupted the speaker, begging him to roar aloud that all might hear),—‘I know ye Matclapees,’ continued Moshume, ‘that at home and in the face of the women ye are men, but women in the face of the enemy ; ye are ready to run, when you should stand—and think, think and prepare your hearts this day—let them be united in one—make your hearts hard.’

“The third speaker, Ranyouve, exhorted the Bechuanas to stand on the present occasion, not to be bold, boasting in the presence of women, making them believe that they were mighty men.—‘Keep your boasting,’ said he, ‘till the day when it shall be required.’

“The fourth speaker, Incha, a Baralong, commenced his speech by recommending, that the Matclapees should wait till the Mantatees arrived, and then attack them ; he had scarcely finished the period when he was interrupted by Issite, a young

chief, who sprang up and called out,—‘No! no!’ and addressing Incha, said, ‘Who called upon you to speak foolishness?—Was there ever a King or Chief of the Matclapees who said you must stand up and speak?—Do you intend to instruct the sons of Mallahowan?—be silent! you say you know the men; and yet you wish us to wait until they enter our town; the Mantatees are conquerors, and if we must fly we lose all—hear! and I will speak!—let us attack the enemy where they are—if we retreat, there will be time for those in the rear to fly—we may fight and fly, fight and fly, fight and at last conquer—this we cannot do if we wait till they approach our town.’ This speech was loudly cheered; Incha sat down without answering, and Issite proceeded to remark that some one had charged his people with being guilty of deserting in the time of war—he wished that he who asserted such falsehood would appear.

“The sixth speaker, Teysho, stood up and commanded silence, when universal applause was manifested—a man of years ran towards Teysho in a furious manner, holding out his arm towards him and calling out, ‘Behold the man who shall speak wisdom! be silent! be instructed! a man, a wise man has stood up to speak’;—Teysho commenced, by informing the preceding speaker that he was the man who had charged his people with deserting in time of war, ‘ye vagabonds, ye deceivers,’ he exclaimed, ‘deny the charge if you can; shall I count how often you have done so? if I do, you run away like frightened dogs, like one ashamed you will sit with your heads between your knees,’ then addressing all present he said, ‘I do not intend to speak much this day, I shall wait till the day of turning out; I entreat you all to prepare your hearts for what is before you, let the subject sink deep in your hearts, that you may not turn your backs in the day of battle—You have been informed of the battles the Mantatees have fought—The nations they have driven—You have heard that they are now at ease—You are calculating on the Griquas with their Horses and Muskets—I say again, prepare your hearts, be strong, be determined, or the Mantatees will drive us, and we shall perish!’ Turning to the King, he said, ‘You are too indifferent about the concerns of your nation, you are rolled up

in apathy, you are now called upon to show us that you are a king and a man.'

" 7th Speaker, Bromella, brother-in-law to Mateebe, shortly enforced the necessity of proceeding to attack the Invaders, and urged the warriors to unanimity.

" 8th Speaker, Dleeloqua, a chief considerably advanced in years, addressed the assembly to the following effect: 'Ye sons of Mallahowan, ye have now had experience enough to convince you that it is your duty to proceed against the Mantatees, a people who have no object but to steal and destroy. Ye sons of Mallahowan! ye sons of Mallahowan! Ye have done well this day—you are now acting wisely, first to deliberate and then to proceed: Moffat has discovered our danger like the rising sun after a dark night; a man sees the danger that he was in when darkness shut his eyes. We must not act like Bechuanas, we must act like Maccoas.—Is this our Peetshow? No! This is the Peetshow of Moffat, therefore we must act and speak like Maccoas: Moffat has gone with a great speed to the Griquas and held a meeting with Chief Melville and the Griqua Chiefs; the Griquas are coming with haste to unite with us against the Mantatees.—My fathers, my brethren, my sons, let us prepare our hearts, that shame may not hunt us, —You have all heard Teysho speak, you have all heard what is expected from you, if all be true what is stated by Moffat, we have cause to fear and be in readiness to defend our towns, our families, and our properties; no one must attempt to make excuses; let them be detained who intend to sojourn; all must be silent, we must all be one: this is a great Peetshow, therefore make your hearts hard (or great), O ye sons of Mallahowan.'

" 9th Speaker, Mongual, called the attention of the Peetshow to the speeches already made; he alluded severely to the conduct of those who professed great things, but did little, saying they must show by actions, not by words, that they were men.

" 10th Speaker, Semeeno, stated that the object of the meeting had been fully explained—'None can be ignorant of these discussions; none can say "I have not heard them; I only stood up to approve of what has been said."' After the usual gestures, sham fights, &c., Mateebie resumed, took his central

stand and commanded silence (His object in this last speech was to approve or condemn what had been said by the preceding speakers); after noticing some remarks, he said, 'It is evident that the best plan is to proceed against the enemy that they come no nearer; let not our towns be the seat of war, let not our houses be the scene of bloodshed and destruction.—No! let the blood of the enemy be spilt at a distance from our wives and children; how ignorant you are, are your words not the words of children, and men confounded? I am left alone, my two brothers have abandoned me, they have married wives of another nation, and allow their wives to govern them; their wives are their kings:' then turning to his young brothers, he imprecated a curse on them if they should follow the example of the older brethren; then addressing all, he said, 'You walk over my head when I sleep, but you see that the Maccoas are my friends; if they were not our friends, we must have fled before this time.' Turning to Dleeloqua (the 8th speaker), he said, 'I hear you, my father, I understand you, my father, your words are true, they are good for the ear; it is good that we be instructed by the Maccoas—I wish those evil who will not obey—I wish that they may be broken in pieces.—Be silent, ye women' (addressing them), 'who ill use your husbands by stealing their property and giving it to another; be silent, that your husbands and children be not hindered by your evil words; be silent, ye kidney-eaters (turning towards the old men), who are of no other use but to hang about for kidneys when an ox is killed; if the oxen is taken where shall you get your kidneys?'—Then addressing the warriors, 'there are many of you who do not deserve to eat out of a bowl, but only out of a broken pot; you stupid and disobedient, think on what has been said and obey without murmuring:—I command ye! Ye chiefs of the Matclapees, Matclaroos, Myrees, Baralongs, and Baracoutas, that you acquaint all your tribes of the proceedings of this day, and let none be ignorant; I say again, ye warriors prepare for the day of battle; let your shields be strong, your quivers full of arrows, and your battle-axes as sharp as hunger.' Turning a second time to the women and old men, he said, 'prevent not the warrior from going out to battle by your cunning insinuations.—No! rouse the warrior to glory and he will return with honourable scars,

fresh marks of valour will cover his thigh, and we shall then renew the war song and dance, and relate the story of our campaign.'—At the conclusion of this speech the air was rent with acclamations, the whole occasionally joined in the dance ; the women frequently taking the weapons from the men and brandishing them in the most violent manner, and people of all ages using the most extravagant and frantic gestures for nearly two hours."

The following additional particulars are furnished by an intelligent correspondent, and serve further to unravel the mystery in which the newly discovered tribe of " Mantatees " are enveloped.

Further Account of the Mantatees.

The arrival of Mr. Moffat in town, from Kuruman or New Lattakoo, furnishes an opportunity of presenting to the public the further history of the Mantatees, which is in every respect closely allied to the account given in the *Cape Gazette* of July last ; and proves that they are from the identical place therein mentioned, viz. Hambona, from whence they were driven by two powerful chiefs, Cheeka and Matabele, whose territories extend from Port Natal to the confines of Delagoa Bay, as stated by Messrs. Farewell and Thompson, who have lately visited Port Saint Lucia. These chiefs they describe as being able to bring into the field nearly 100,000 fighting men.

The Mantatees, on their first eruption, were joined by the Mapootas, a tribe on the sources of the river of the same name ; and, after destroying the Lahogas, were joined by a tribe of the Macqueans, and subsequently, in the route mentioned in the *Cape Gazette* of July 26th, by many of the various conquered nations, who flocked to the same roving standard ; carrying devastation, with an overwhelming hand, through a comparatively civilized part of South Africa. They were first repulsed by the wary king of the Wankets, who fell upon them when their forces were divided, and subsequently by the Bechuanas and Griquas united :—this last defeat was owing to the musketry of the Griquas, which was completely incomprehensible to the barbarians, and was by them termed "*Thunder and Lightning*." Since their repulse at Lattakoo,

had been taken in consequence of it, I beg to state that such a Memorial was received on the 16th of May 1821. But the Memorialist being possessor at the time of 3 Loan places not converted into perpetual Quit Rent Tenures, according to Lord Howden's regulation, he was not eligible at that period to hold new Land, and consequently the application could not have been put into the usual train. Independent however of that circumstance, it had been found impracticable to act upon the numerous requests for Land (upwards of 5000 being still in the office) except by taking them in rotation, and as the applications for the Uitenhage District had been attended to, to a very great extent, it would have thrown Mr. Moolman's case back for a considerable time, had no other objection to the reference of his prayer to the Local authorities occurred.

The enclosed Copy of a Letter from the Inspector on this head will more clearly inform you on these points, and will I trust be satisfactory to you on this subject. I have &c.

(Signed), C. BIRD.

[Copy.]

Letter from LIEUTENANT COLONEL BIRD *to the*
COMMISSIONERS OF ENQUIRY

COLONIAL OFFICE, 9th January 1824.

GENTLEMEN,—Your letter dated Uitenhage 30th of last month enclosing a copy of a Memorial from F. Jonk to His Excellency the Governor dated January 1819, was duly received; and I have the honor to state to you in reply that the Memorial in question did not reach this Office as supposed, but the Petitioner transmitted a copy of it to His Excellency Sir R. Donkin in a letter dated 12th of August 1820, copies of which communications are herein enclosed, as are copies of a reference made on the subject to the Landdrost of the George District and of Mr. Van der Riet's reply together with a copy of the consequent answer given to the Memorialist.

It will appear from these Documents and from an enclosed extract from the report on Lands inspected in the George

